

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

OXFORD PREPARATORY ACADEMY - SOUTH ORANGE COUNTY.

OAH CASE NUMBER 2026080270

ORDER GRANTING AND DENYING, IN PART, MOTION TO
DISMISS ISSUES FOR LACK OF JURISDICTION

SEPTEMBER 22, 2026

On August 6, 2026, Parents, on behalf of Student, filed a Request for Due Process Hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Oxford Preparatory Academy, South Orange County, as respondent.

On September 4, 2026, Oxford Preparatory filed a motion seeking dismissal of Student's complaint or, in the alternative, limitations of Student's claims and requested remedies, on the grounds that OAH lacks jurisdiction to adjudicate certain issues or grant some remedies alleged in the complaint. On September 11, 2026, Student submitted a request for an extension of time to respond to the motion. Oxford

Preparatory opposed the requested extension on September 16, 2026. On September 18, 2026, Student filed an opposition to Oxford Preparatory's motion.

OAH JURISDICTION

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), also called the IDEA, is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OPPOSITION TO STUDENT'S REQUEST FOR EXTRA TIME TO RESPOND

The parties exchanged briefs regarding Student's request for extra time to file a response to Oxford Preparatory's motion to dismiss. Oxford Preparatory's objection to Student's opposition being considered is overruled. Oxford Preparatory offered no facts establishing that it had, or asserting it would, suffer any prejudice due to OAH's consideration of Student's opposition to its motion.

The general rule in both federal and state forums is that purely technical violations of procedures, resulting in no prejudice, are not grounds for relief. (See, 34 C.F.R. § 300.513(a)(2), [prohibiting IDEA hearing decisions to be based on solely technical violations of the IDEA]; Ca Const., Art. 6 § 13. ["No judgment shall be set aside, or new trial granted, in any cause, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for

any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.”].) Oxford Preparatory failed to demonstrate prejudice or a miscarriage of justice by consideration of Student’s opposition. Its request to disregard opposition pleadings is denied.

ALLEGATIONS OF IMPROPER USE OF PHYSICAL RESTRAINT – ISSUE 4

In Issue 4, Student alleges he was denied a FAPE when untrained Oxford Preparatory staff used improper physical restraints. Oxford Preparatory asserts the allegations of issue four do not allege an IDEA violation. Student has, however, alleged a denial of FAPE due to the alleged improper restraint executed by an untrained staff member. Whether this occurred, and whether it would have resulted in a denial of FAPE, had Student been eligible, are questions of fact requiring a hearing. Oxford Preparatory offers no legal authority requiring dismissal of allegations that Oxford Preparatory believes Student cannot prove.

ALLEGATIONS OF REHABILITATION ACT VIOLATIONS – ISSUE 5

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.). However, Student’s Issue 5 alleges a denial of FAPE by refusing to provide accommodations needed to allow him to access his education. Such claims are appropriately considered under the IDEA. However, Student’s claims regarding violations of Section 504 of The Rehabilitation Act are not within OAH’s jurisdiction. Only Student’s Section 504 claim is dismissed.

REQUESTS TO DISMISS PROPOSED RESOLUTIONS

Oxford Preparatory requests that certain remedies be dismissed because Student did not allege that out of pocket expenses were incurred due to an identified denial of

FAPE. The IDEA and California special education law require that all due process requests include proposed resolutions to the extent known and available to the party at the time of filing. (20 U.S.C. 1415(b)(7)(4); Ed. Code § 56502, subd. (c)(1)(D).) Here, Student has complied with this requirement, alleging the contested remedies will be demonstrated to be educationally related expenses. Ultimately, remedies are granted by the Administrative Law Judge based on the proof offered at hearing as determined by the judge's discretion.

ORDER

1. Oxford Preparatory's Motion to Dismiss is granted in part.
2. Oxford Preparatory's Motion to Dismiss is denied as to Issue 4.
3. Oxford Preparatory's motion to dismiss allegations in Issue 5 is granted only as to violation of Section 504 of the Rehabilitation Act.
4. Oxford Preparatory's motion to dismiss portions of Student's proposed resolutions is denied. Nothing in this order prevents Oxford Preparatory from raising any meritorious defenses to claims or remedies.
5. This case will proceed as scheduled as to the remaining issues pled.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings