BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070468

ORDER GRANTING MOTION TO DISMISS ISSUES FOR LACK OF JURISDICTION

NOVEMBER 7, 2024

On October 7, 2024, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Palo Alto Unified School District. The Office of Administrative Hearings is referred to as OAH. The Palo Alto Unified School District is referred to as Palo Alto District.

On November 5, 2024, Palo Alto District filed a Motion to Dismiss Issues 2 and 3 from the complaint, alleging OAH lacks jurisdiction to adjudicate these issues. Also, on November 5, 2024, Student filed a Partial Opposition to Palo Alto District's motion and conceded to Issues 2 and 3 being based on Section 504 of the Rehabilitation Act and Title VI of the Equal Education Opportunity Act. Student further argued these claims

were closely related to Student's Issue 1 and therefore were raised for exhaustive purposes.

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) 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) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) 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.)

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.), Section 1983 of Title 42 United States Code, the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), the Unruh Civil Rights Act (Civ. Code, § 51), or the Equal Education Opportunity Act.

Student alleges Palo Alto District denied Student a free appropriate public education in Issue 2 under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and in Issue 3 under the Equal Education Opportunity Act and title VI of the Civil Rights Act. The District asserts OAH lacks jurisdiction over these claims because

the claims allege illegal discrimination based on language and race. Therefore, the claims fall outside of the Individuals with Disabilities Education Act and OAH does not have jurisdiction to resolve these claims. Accordingly, Issues 2 and 3 of Student's complaint are dismissed.

ORDER

Palo Alto District's Motion to Dismiss is granted. The matter will proceed as scheduled as to the remaining issue.

Thanayi Lindsey
Thanayi Lindsey (Nov 8, 2024 14:23 PST)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings