

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT AND CALIFORNIA STATE  
BOARD OF EDUCATION.

OAH CASE NO. 2013080299

ORDER GRANTING MOTION TO  
DISMISS ISSUES 1 AND 5

On August 18, 2013, Parent on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming the Los Angeles Unified School District (District) as the respondent. The complaint contains six issues.

On August 28, 2013, the District filed a Motion for Dismissal of Issues One and Five, alleging that the Office of Administrative Hearings (OAH) is without jurisdiction to hear those claims.

OAH received no response to the District's motion.

APPLICABLE LAW AND DISCUSSION

The purpose of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et. seq.) is to “ensure that all children with disabilities have available to them a free appropriate public education” (FAPE), 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 FAPE 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 Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Thus, OAH does not have jurisdiction to entertain claims which are not based on the IDEA and related California statutes and regulations which implement the IDEA.

In Issue One, Student alleges that the District discriminated against Student, and that his family was the subject of “discrimination/mistreatment” by the District. Student alleges that District personnel <sup>1</sup> made typos and misspelled Parents’ name; made snide remarks; and exhibited a “bad attitude.”

In Issue Five, Student alleges that the District caused undue stress to Student, his sister, and parents including “bullying” parents.

As stated above, OAH’s jurisdiction is limited 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).) Student’s claims under Issues One and Five do not relate to these areas. Accordingly, OAH is without jurisdiction to hear those issues.

#### ORDER

The District’s motion to dismiss Issues One and Five is granted. The matter will proceed as scheduled on Issues Two, Three, Four, and Six.

Dated: September 04, 2013

/s/  
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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> In Issue Six, Student alleges that two District administrators have “falsified” the June 10, 2013 Individualized Education Program (IEP) document.