

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013120449

ORDER GRANTING RIALTO  
UNIFIED SCHOOL DISTRICT'S  
MOTION TO DISMISS

On December 12, 2013, Parent on behalf of Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Rialto Unified School District (District) and San Bernardino County Behavioral Health (County).<sup>1</sup> On January 8, 2014, the County filed a Motion to Dismiss, alleging that Student did not serve a copy of the complaint on the County and because it was not an appropriate party in this action. OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW

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.)

---

<sup>1</sup> On January 16, 2014, OAH granted the County’s motion to dismiss it as a party.

## DISCUSSION

In the present matter, the District asserts that Student's complaint does not contain any allegations over which OAH has jurisdiction to hear. The complaint alleges an incident in which a teacher acted inappropriately. However, the complaint does not contain any allegations that the teacher's conduct denied Student a FAPE, or that Student even receives special education services. Accordingly, Student's complaint lacks any claims against the District over which OAH has the authority to decide and therefore Student's complaint is dismissed.

## ORDER

The District's Motion to Dismiss is granted. The matter is dismissed.

IT IS SO ORDERED.

Dated: January 16, 2014

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings