

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014100324

ORDER GRANTING MOTION TO
DISMISS ISSUES OUTSIDE OF OAH
JURISDICTION

On October 20, 2014, District filed a motion to partially dismiss claims from Student's complaint, specifically those that arise out of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) (Section 504), the civil rights act under 42 U.S.C. 1983 (Section 1983), or other related state and federal civil rights laws, and claims alleging violations against parties other than Student. Student's complaint identifies those claims on page 10 through 13 as "Systemic Claims" and alleges them on behalf of all students with special needs. Student did not oppose the motion.

OAH does not have jurisdiction to entertain claims based on Section 504, Section 1983, or other related state and federal civil rights laws, or class action claims related to those violations. 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 a 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.)

Here, Student's "Systemic Claims" on pages 10-13, and the associated remedies, are not within OAH jurisdiction because 1) they do not allege claims on Student's behalf under the IDEA and 2) they are on behalf of a class of students rather than Student. Accordingly, the motion is granted.

All claims in the complaint alleging violations of Section 504, Section 1983, or other related state and federal civil rights laws, or class action claims related to those violations, are dismissed. The matter shall proceed to hearing only on claims in the complaint on Student's behalf arising under title 20 USC section 1400 et. seq., unless otherwise ordered. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: October 28, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings