

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010070192

ORDER GRANTING DISTRICT'S  
MOTION TO STRIKE PROPOSED  
RESOLUTION

On July 1, 2010, Student filed a request for due process (complaint) naming the Los Angeles Unified School District (District). On July 19, 2010, the District filed a motion to strike the only resolution proposed in Student's complaint. Student has not filed an opposition or otherwise responded to the District's motion.

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 the Office of Administrative Hearings (OAH) is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) OAH does not have jurisdiction over an entity that is not a party to the complaint.

In the instant case, Student has filed a complaint that alleges the District terminated the special education program he needs for the 2010 – 2011 school year in his home school. Student states that his program for the next school year will be a combined class of second to sixth grade students and that he will receive less attention from his teacher, which will affect his progress. Student's only proposed resolution to address the alleged violation of his rights

is that he be permitted to enroll in the Glendale Unified School District where his younger brother now attends school.

However, Student has not named Glendale as a party to this case. OAH therefore has no jurisdiction over that school district in the context of this case and could not order the remedy proposed by Student.

ORDER

The District's motion to strike the only resolution presently proposed by Student in his complaint is granted.

Dated: July 23, 2010

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings