

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

NAPA VALLEY UNIFIED SCHOOL  
DISTRICT ,

OAH CASE NO. 2012051226

---

NAPA VALLEY UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012110280

ORDER GRANTING MOTION TO  
DISMISS ISSUE FOR LACK OF  
JURISDICTION

On October 31, 2012, Student filed a second amended request for due process hearing (complaint), naming Napa Valley Unified School District (District). On November 14, 2012, District filed a motion to dismiss Issue Number Eight in Student's complaint, alleging that the issue falls outside of the jurisdiction of the Office of Administrative Hearings (OAH).

Student's Issue Number Eight asserts that District should remove all references to offers made in mediation or resolution session from all documents in Student's file. On November 15, 2012, Student filed a reply in which he does not oppose District's motion to dismiss the issue.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Improvement 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.)

## DISCUSSION

In the present matter, District asserts that Student's Issue Number Eight requests that OAH rule on a dispute regarding a request to expunge information in Student's educational records. In application of the authority cited above, this issue does not relate to a matter over which OAH has jurisdiction. In addition, Student does not oppose District's motion to dismiss the issue.<sup>1</sup>

## ORDER

1. District's motion to dismiss is granted as to Issue Number Eight in Student's second amended complaint. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

Dated: November 26, 2012

/s/

---

THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings

---

<sup>1</sup> The underlying factual allegations as they may pertain to Student's request for a remedy are not dismissed. Student may clarify at the prehearing conference whether he is pursuing a remedy regarding the expungement of records.