

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LORENZO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100149

ORDER GRANTING DISTRICT'S
MOTION TO DISMISS COMPLAINT

On September 29, 2015, Parent on behalf of Student, through advocate Cathy Rodriguez, filed a Due Process Hearing Request¹ (complaint) naming San Lorenzo Unified School District.

On October 5, 2015, District filed a motion to dismiss. Student has not filed a response.

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.)

DISCUSSION

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

Student's complaint alleges that the Alameda County Sheriff Department gave District a confidential juvenile police report involving Student. Student asserts that this confidential report was copied, inappropriately distributed to high school staff, and improperly used at an expulsion meeting. The complaint does not state how this alleged conduct denied Student a free appropriate public education, or otherwise affected Student's special education rights. Student's proposed resolutions do not propose any remedies associated with Student's special education or otherwise within the OAH's jurisdiction. District's Motion to Dismiss is granted. The matter is dismissed.

ORDER

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

DATE: October 09, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings