

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Michelle Smith v. Office of Administrative Hearings, et al.

Smith v. Office of Administrative Hearings · No. CV-26-01515-PHX-DWL · Decided March 30, 2026

SUMMARY

The court denied Michelle Smith’s amended motion to remand an IDEA-related action removed from Arizona state court, holding that removal was permissible because the federal court had original jurisdiction. The court granted Dysart Unified School District’s motion to seal the administrative record due to confidential educational records. Rather than dismissing for failure to respond to the motion to dismiss, the court extended the response deadline to April 13, 2026, and warned that future noncompliance could result in dismissal.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 30, 2026
DOCKET	CV-26-01515-PHX-DWL
DISPOSITION	other
PROCEDURAL POSTURE	After an administrative law judge issued a final decision concerning an IDEA due process complaint, Smith sought judicial review in Arizona superior court. Dysart removed the action to federal district court. Smith moved to remand; Dysart moved to dismiss and to seal the administrative record. The court denied remand, granted the motion to seal, and extended Smith's deadline to respond to the motion to dismiss.
STANDARD OF REVIEW	The court applied the federal-question and removal statutes to the remand motion. For the unopposed motion to dismiss, the court considered the factors governing dismissal under the local rule for failure to respond, including the public interest in expeditious resolution, docket management, prejudice, disposition on the merits, and availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order

PARTIES

Michelle Smith v. Office of Administrative Hearings, Dysart Unified School District No. 89

TOPICS

subject matter jurisdiction

civil procedure

motions to dismiss

judicial review of agency action

PRACTICE AREAS

civil procedure

administrative law

education law

disability law

QUESTIONS PRESENTED

1. Whether an action seeking judicial review under 20 U.S.C. § 1415(i)(2)(A), initially filed in state court, may be removed to federal district court.
2. Whether the court should summarily grant Dysart's motion to dismiss because Smith failed to file a timely response under Local Rule of Civil Procedure 7.2(i).
3. Whether Dysart should be permitted to file the IDEA administrative record under seal because it contains confidential educational records of a minor.

HOLDINGS

1. An action brought under 20 U.S.C. § 1415(i)(2)(A) may be removed from state court when federal-question jurisdiction exists because the action arises under the IDEA; the IDEA's authorization to file in state or federal court does not bar removal.
2. The court declined to summarily grant Dysart's motion to dismiss based solely on Smith's failure to file a timely response, instead extending the response deadline as a less drastic measure and warning that future deadline violations may result in dismissal.
3. The motion to seal was granted, and Dysart was ordered to file the administrative record under seal because it contains confidential educational records concerning a disabled minor.

KEY QUOTATIONS

“Because this Court has original jurisdiction over Ms. Pedraza’s appeal of the OAH decision, removal was proper.” (1)

“In light of the public policy favoring disposition of cases on their merits, the Court will not dismiss at this juncture and will, as a one-time courtesy, sua sponte extend the response deadline.” (2)

FACTUAL BACKGROUND

Smith is the mother of A.M., a minor child with a disability. Smith alleged in an IDEA due process complaint that Dysart improperly changed the child's educational placement, violated stay-put protections, used discriminatory placement criteria, and failed to comply with IDEA procedural requirements. After an ALJ issued a final decision, Smith sought judicial review in state court, and Dysart removed the case to federal court. The

administrative record contains confidential educational information, including individualized education programs.

PROCEDURAL HISTORY

Smith filed an amended IDEA due process complaint with the Arizona Office of Administrative Hearings concerning her child's educational placement and related procedural protections. An ALJ issued a final decision on December 9, 2025. Smith filed a state-court action for judicial review on December 11, 2025, and amended it on January 22, 2026, adding Dysart as a defendant. Dysart removed the action on March 4, 2026, asserting federal-question jurisdiction. The district court denied Smith's amended motion to remand, granted Dysart's motion to seal the administrative record, and extended the deadline for Smith to oppose Dysart's motion to dismiss rather than dismissing that motion based on her failure to respond.

DISPOSITION

other

CASES CITED

- Pedraza v. Alameda Unified School Dist., 2011 WL 4507111, *9 (N.D. Cal. 2011)
- Moorestown Township Bd. of Educ. v. S.D. on behalf of M.D., 2010 WL 11692501, *1-2 (D.N.J. 2010)
- Ector Cnty. Independent Sch Dist. v. VB bnf MB, 2007 WL 9653135, *2 (W.D. Tex. 2007)
- Wystrach v. Ciachurski, 267 F. App'x 606, 607-08 (9th Cir. 2008)
- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)
- J.C. by and through M.C. v. School Bd. of St. Johns County, Fla., 2015 WL 13735451, *1 (M.D. Fla. 2015)

OPINION

Michelle Smith v. Office of Administrative Hearings, et al.

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Michelle Smith, No. CV-26-01515-PHX-DWL 10 Petitioner, ORDER 11 v. 12 Office of
Administrative Hearings, et al., 13 Respondents. 14 15 Plaintiff, who is proceeding pro se, is the
mother of A.M., a minor child with a 16 disability. (Doc. 1-3 at 3.) On an unspecified date,
Plaintiff filed an amended due process 17 complaint with the Arizona Office of Administrative
Hearings (“OAH”) alleging that the 18 Dysart Unified School District No. 89 (“Dysart”)
“improperly changed the child’s 19 educational placement, violated stay-put protections, relied on
discriminatory placement 20 criteria, and failed to comply with IDEA [Individuals with
Disabilities Education Act] 21 procedural requirements.” (Id. at 8.) 22 On December 9, 2025, an
administrative law judge (“ALJ”) issued a final decision. 23 (Id. at 13.) 24 On December 11, 2025,

Plaintiff filed a complaint in Maricopa County Superior Court seeking judicial review of the ALJ's decision. (Id. at 7-9 [complaint]; 27 [minute 26 entry].) The sole defendant named in the complaint was the OAH. (Id. at 7.) On January 22, 2026, Plaintiff filed an amended complaint in Maricopa County Superior Court. (Id. at 2-5.) The amended complaint adds Dysart as an additional defendant. (Id. at 2.) On February 17, 2026, Dysart received the amended complaint. (Doc. 1 at 1.) On March 4, 2026, Dysart filed a notice of removal, alleging that the Court possesses subject-matter jurisdiction because the amended complaint asserts a federal claim arising under the IDEA. (Doc. 1.) That same day, the Court issued a "Notice to Self-Represented Litigant." (Doc. 3.) Among other things, this notice advised Plaintiff that "[i]f you DO NOT respond to a motion within the requirements of the local Rules, the Court may assume consent to the denial or granting of the motion and may dispose of the motion summarily under Local Rule of Civil Procedure 7.2(i)." (Id. at 6.) Now pending before the Court are three motions filed post-removal. First, Plaintiff has filed an amended motion to remand. (Doc. 6.) Plaintiff contends that under the IDEA, "a party aggrieved by the findings and decision of an administrative hearing officer has the right to bring a civil action in either state court or federal district court. Plaintiff elected to file the appeal in Arizona state court, which is expressly permitted under the statute." (Doc. 15 at 2.) Plaintiff contends that Dysart's removal effort should be rejected because her "choice of state court forum should be respected," "[t]he case was properly filed in state court before Defendant removed the matter to federal court," and "[b]ecause the state court had already exercised jurisdiction and established deadlines and procedural orders, remanding the matter would promote judicial economy and allow the case to proceed in the forum where it was originally filed." (Id. at 3.) In response, Dysart argues that "[g]iven that this action arises under the IDEA, federal question jurisdiction is present" and "[n]othing in the IDEA prohibits a defendant from removing such an action. In fact, the statute explicitly grants federal courts jurisdiction in these actions." (Doc. 7 at 3.) The deadline to file a reply has now expired and Plaintiff did not file a reply. Plaintiff's amended motion to remand is denied for the reasons identified by Dysart. Plaintiff has asserted a claim under the IDEA. Although Plaintiff had the statutory right to initially pursue that claim in state court, 20 U.S.C. 1415(i)(2)(A), it was also permissible for Dysart to subsequently remove this action to federal court. See, e.g., *Pedraza v. Alameda Unified School Dist.*, 2011 WL 4507111, *9 (N.D. Cal. 2011) ("Ms. Pedraza's primary argument is that the District's removal of case number C 07-59893 obstructed her right to the procedural guarantees of 20 U.S.C. § 1415(i)(2)(A), which provides that an aggrieved party may bring a civil action in state court or federal district court. Ms. Pedraza's arguments . . . are without merit. Case number C-07-5989 was an appeal of the due process hearing decision issued by OAH. The case was correctly removed pursuant to 20 U.S.C. § 1441(b), which provides that any action over which district courts have original jurisdiction based on a claim or right arising under the Constitution, treaties or laws of the United States may be removed from state court. As indicated in 20 U.S.C. § 1415(i)(2)(A), a

district court, as well as a state court, has jurisdiction to hear appeals of state agencies' 11 decisions after hearings under the IDEA. Because this Court has original jurisdiction over 12 Ms. Pedraza's appeal of the OAH decision, removal was proper.) (citations omitted); 13 *Moorestown Township Bd. of Educ. v. S.D. on behalf of M.D.*, 2010 WL 11692501, *1-2 14 (D.N.J. 2010) (same); *Ector Cnty. Independent Sch Dist. v. VB bnf MB*, 2007 WL 9653135, 15 *2 (W.D. Tex. 2007) ("Since the statute provides for original jurisdiction, an action brought 16 under § 1415(i)(2) (A), such as this one, may be removed to a federal court in accordance 17 with 28 U.S.C. § 1441(a)."). Also, Dysart has otherwise complied with the requirements 18 for removal. 19 The next pending motion is Dysart's motion to dismiss. (Doc. 5.) Among other 20 things, Dysart argues that the amended complaint should be dismissed because it is 21 untimely and because it "does not outline any alleged wrongful conduct by the District or 22 OAH" and "offers absolutely no allegations or evidence." (Id. at 6-8.) 23 Under LRCiv 7.2(c), Plaintiff's response to the motion to dismiss was due by March 24 23, 2026. That deadline has now expired and Plaintiff has not filed a response. As Plaintiff 25 was previously advised, the Court could summarily grant Dysart's motion due to her failure 26 to file a response. See LRCiv 7.2(i) ("[I]f the unrepresented party . . . does not serve and 27 file the required answering memoranda, . . . such non-compliance may be deemed a consent 28 to the . . . granting of the motion and the Court may dispose of the motion summarily."). 1 See also *Wystrach v. Ciachurski*, 267 F. App'x 606, 607-08 (9th Cir. 2008) ("The court 2 also did not abuse its discretion in applying its local rule summarily to grant defendants' 3 motion to dismiss because plaintiffs failed timely to respond. Local Rule 7.2(i) of the Rules 4 of Practice of the United States District Court for the District of Arizona authorizes a court 5 to dispose summarily of a motion, if the non-moving party fails to serve and file the 6 required answering memorandum."). 7 However, before dismissing on this basis, "the district court is required to weigh 8 several factors: (1) the public's interest in expeditious resolution of litigation; (2) the 9 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public 10 policy favoring disposition of cases of their merits; and (5) the availability of less drastic 11 sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Plaintiff's response was due 12 one week ago, so the public's interest in expeditious resolution of litigation has not been 13 seriously injured, there is little to no risk of prejudice to the defendants, and the Court's 14 docket can weather a brief delay. In light of the public policy favoring disposition of cases 15 on their merits, the Court will not dismiss at this juncture and will, as a one-time courtesy, 16 sua sponte extend the response deadline. As a less drastic sanction, the Court warns 17 Plaintiff that any future failure to adhere to deadlines may result in dismissal. 18 The final pending motion is Dysart's motion to seal. (Doc. 4.) Dysart contends that 19 because it must, under 20 U.S.C. § 1415(i)(2)(C), submit the complete administrative 20 record to this Court, and portions of the administrative record "contain confidential 21 information pertaining to the Plaintiff's child's education records, including the student's 22 Individualized Education Programs," it should be allowed to file the administrative record 23 under seal. (Id.) This request is granted. Cf. *J.C.* by

and through M.C. v. School Bd. of 24 St. Johns County, Fla., 2015 WL 13735451, *1 (M.D. Fla. 2015) (“[G]ood cause exists to 25 seal the administrative record because redaction of all identifying and private information 26 of J.C. and M.C. would be unduly burdensome, and because the record consists largely of 27 an allegedly disabled minor’s educational records which are confidential under IDEA.”). 28 ... 1 Accordingly, 2 IT IS ORDERED that: 3 1. Plaintiff’s amended motion to remand (Doc. 6) is denied. 4 2. Dysart’s motion to seal (Doc. 4) is granted. Dysart shall file the 5 || administrative record under seal. 6 3. The deadline for Plaintiff to respond to Dysart’s motion to dismiss (Doc. 5) 7|| 1s extended to April 13, 2026. Plaintiff is once again warned that failure to respond may 8 || result in the motion being summarily granted. 9 Dated this 30th day of March, 2026. 10 11 om ee Dominic W. Lanza 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _5-