BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013040771 ORDER FOLLOWING PREHEARING CONFERENCE OF JUNE 3, 2013

On June 3, 2013, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Robert Helfand, Office of Administrative Hearings (OAH). Punam Patel Grewal, Attorney at Law, appeared on behalf of Parent and Student (Student). Jack B. Clarke, Jr., Attorney at Law, appeared on behalf of the Riverside County Office of Education (District or COE). The PHC was not recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. The ALJ, on his own motion, hereby dismisses Issue Four of the complaint, which alleges violations of Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act, and state civil rights laws, as beyond the jurisdiction of OAH.

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.) Thus, OAH does not have jurisdiction to entertain claims based on Section 504 of the

Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) or Section 1983 of Title 42 United States Code.

2. Hearing Dates, Times, and Location. The parties jointly request that the due process hearing be continued to permit the completion of a number of assessments that have been agreed to. Good cause being demonstrated, the joint request to continue the matter is GRANTED. All dates are vacated. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	07/22/2013, at 10:00 a.m.
Due Process Hearing:	08/6/2013, at 9:30 a.m.; 08/7/2013; 08/8/2013; and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: June 3, 2013

/s/
ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings