

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012120718

ORDER GRANTING MOTION TO
DISMISS ISSUE 4

On December 19, 2012, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Saddleback Valley Unified School District (District). On December 31, 2012, the District filed a Motion to Dismiss Issue 4 for being outside the scope of OAH's jurisdiction. OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW and DISCUSSION

OAH does not have jurisdiction to entertain claims based on Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 701 et seq.), the Americans with Disability Act (ADA) (Title 42 U.S.C. §§ 1201, et seq.), and the Unruh Civil Rights Act (Civ. Code, § 51).

In the present matter, Student alleges in Issue 4 that the District violated Section 504, the ADA, and the Unruh Civil Rights Act, which OAH does not have jurisdiction to hear. Accordingly, Student's claims that the District violated Section 504, the ADA, and the Unruh Civil Rights Act are dismissed, and the matter shall proceed as to Student's remaining special education claims.

ORDER

The District's Motion to Dismiss Issue 4 is granted. The matter will proceed as scheduled as to the remaining claims against the District.

Dated: January 9, 2013

/s/

PETER PAUL CASTILLO

Administrative Law Judge

Office of Administrative Hearings