BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ALAMITOS UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017050096 ORDER GRANTING MOTION TO DISMISS ISSUE THREE OF COMPLAINT

On April 28, 2017, Student filed a request for due process (complaint) with the Office of Administrative Hearings, naming Los Alamitos Unified School District. On May 8, 2017, District filed a motion to dismiss Issue Three of the complaint because OAH does not have jurisdiction. Student did not file opposition.

Issue Three alleges that District's actions denied Student's rights under Section 504 of the Rehabilitation Act of 1973 and state civil rights laws.

OAH does not have jurisdiction to entertain claims based on Section 504, the ADA, and other related state and federal civil rights laws. 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 a 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.)

Accordingly, OAH does not have jurisdiction to entertain claims based upon Section 504 and other related state and federal civil rights laws.

ORDER

1. District's motion to dismiss the complaint's Issue Three is granted.

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IT IS SO ORDERED.

DATE: May 30, 2017

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings