BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STANISLAUS UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2022040227

ORDER GRANTING MOTION TO DISMISS ISSUE 4

MAY 5, 2022

On April 6, 2022, Parents on behalf of Student filed a request for due process hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Stanislaus Union School District. The Office or Administrative Hearings is referred to as OAH.

On April 28, 2022, Stanislaus filed a motion to dismiss Student's Issue 4 because OAH lacks jurisdiction to adjudicate the claim in Issue 4. OAH received no response from Student.

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to ensure that all children with disabilities have available to them a free appropriate public education, 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).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), called Section 504, Section 1983 of Title 42 United States Code, the Americans with Disability Act (42 U.S.C. §§ 1201, et seq.), called the ADA, the Unruh Civil Rights Act (Civ. Code, § 51), or other civil rights laws.

Student alleges at Issue 4 that Stanislaus's actions and inactions violated Section 504, the ADA, and other civil rights statutes. In a footnote to Issue 4, Student acknowledges that Issue 4 is brought to exhaust remedies as may be required by federal court.

OAH does not have jurisdiction to resolve claims brought under Section 504, the ADA, or any federal or State civil rights statutes. Accordingly, Issue 4 of Student's complaint is dismissed.

ORDER

1. Stanislaus's Motion to Dismiss is granted.
2. Issue 4 of Student's complaint is dismissed. The matter will proceed as scheduled as to the remaining issues.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings