

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012031285

ORDER GRANTING MOTION TO
DISMISS ISSUE TWO

On March 29, 2012, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Pasadena Unified School District (District). On April 9, 2012, the District filed a Motion to Dismiss Issue Two 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.), Section 1983 of Title 42 United States Code (Section 1983), and under the Americans with Disability Act (ADA) (Title 42 U.S.C. §§ 1201, et seq.).

In the present matter, Student alleges in Issue Two that the District violated Section 504, Section 1983, and the ADA, which OAH does not have jurisdiction to hear. Accordingly, Student's claims that the District violated Section 504, Section 1983 and the ADA are dismissed, and the matter shall proceed as to Student's remaining special education claims.

ORDER

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

Dated: April 23, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings