

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CABRILLO UNIFIED SCHOOL  
DISTRICT AND SAN MATEO COUNTY  
SPECIAL EDUCATION LOCAL PLAN  
AREA.

OAH CASE NO. 2012100700

ORDER GRANTING MOTION TO  
DISMISS ISSUE 10

On October 17, 2012, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Cabrillo Unified School District (District) and San Mateo County Special Education Local Plan Area (SELPA). On October 29, 2012, the District filed a Motion to Dismiss Issue 10 for being outside the scope of OAH's jurisdiction. Student and the SELPA did not file a response.

APPLICABLE LAW, DISCUSSION and ORDER

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.) (Section 504) and Section 1983 of title 42 United States Code (Section 1983).

In the present matter, Student alleges in Issue 10 that the District and SELPA violated Section 504 and Section 1983, which OAH does not have jurisdiction to hear. Accordingly, Student's Issue 10 is dismissed because it alleges that the District and SELPA violated Section 504 and Section 1983, and the matter shall proceed as to Student's Issue 1 through 9.

IT IS SO ORDERED.

Dated: November 6, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings