

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

REDLANDS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009090725

ORDER GRANTING MOTION TO
DISMISS ISSUES SIX & SEVEN

On September 17, 2009, Student filed a due process hearing request. Issue Six alleged that the District violated Section 504 of the Rehabilitation Act of 1973. Issue Seven alleged that the District violated Section 1983 of Title 42 of the United States Code. On September 25, 2009, District filed a motion to dismiss Issues Six and Seven for lack of jurisdiction. Student did not oppose the motion.

In a special education due process hearing, parents have 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.” (Ed. Code, § 56501, subd. (a).) OAH does not have jurisdiction to entertain claims based on Section 504 of the Rehabilitation Act of 1973 or Section 1983 of Title 42 United States Code. Accordingly, Issues Six and Seven are dismissed for lack of jurisdiction.

IT IS SO ORDERED.

Dated: October 06, 2009

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings