

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL  
DISTRICT AND ORANGE COUNTY  
HEALTH CARE AGENCY.

OAH CASE NO. 2011040126

ORDER GRANTING MOTION TO  
DISMISS SECTION 504 AND 1983  
CLAIMS

On April 4, 2011, Student filed a Request for Due Process Hearing (complaint) against the Laguna Beach Unified School District (District) and Orange County Health Care Agency (OCHCA). On April 8, 2011, the District filed a Motion to Dismiss portions of Student's issues, alleging that the Office of Administrative Hearings did not have jurisdiction. Neither Student nor OCHCA submitted a response.

APPLICABLE LAW

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 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.)

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.) and Section 1983 of Title 42 United States Code.

## DISCUSSION

Student's complaint contains two issues for hearing that allege violations of the IDEA, Section 504 and Section 1983. To the extent that both issues for hearing assert that the District and OCHCA violated Section 504 and Section 1983, those portions of Student's complaint are dismissed.

## ORDER

The District's Motion to Dismiss Section 504 and Section 1983 claims from Student's complaint is granted.

Dated: April 21, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings