

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012020152

ORDER GRANTING MOTION TO
DISMISS SPECIFIC CLAIMS

On February 3, 2012, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Norwalk-La Mirada Unified School District (District). On February 17, 2012, the District filed a Motion to Dismiss portions of Student's complaint for being outside of OAH's jurisdiction. Student did not submit 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.). Student alleges in Issue 4 that the District denied Student a free appropriate public education, which OAH has jurisdiction to hear, and also violated Section 504, which OAH does not have jurisdiction to hear. Therefore, the District's motion to dismiss the portion of Issue 4 that alleges that the District violated Section 504 is granted.

IT IS SO ORDERED.

Dated: February 24, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings