

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012030567

ORDER GRANTING MOTION TO
DISMISS SPECIFIC CLAIMS

On March 15, 2012, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Torrance Unified School District (District). On April 10, 2012, the District filed a Motion to Dismiss Issues IV(C), (D) and (E) 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.), the Americans with Disability Act (ADA) (Title 42 U.S.C. §§ 1201, et seq.), and the Unruh Civil Rights Act (Civ. Code, § 51).

In the present matter, Student alleges in Issues IV(C), (D) and (E) that the District violated Section 504, the ADA, and the Unruh Civil Rights Act, which OAH does not have jurisdiction to hear. Accordingly, Student's claims that the District violated Section 504, the ADA, and the Unruh Civil Rights Act are dismissed, and the matter shall proceed as to Student's remaining special education claims.

ORDER

The District's Motion to Dismiss Issues IV(C), (D) and (E) 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