

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2012100025

ORDER GRANTING DISTRICT'S  
MOTION TO DISMISS ISSUE NO. 4

On October 12, 2012, the Acalanes Union High School District (District), filed a motion to dismiss Issue No. 4 from Student's due process hearing request (complaint). No opposition has been received.

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); see also Ed. Code, § 56501, subd. (a).) 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.)

Student's complaint, at Issue No. 4, alleges that District has violated Student's rights under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq. (Section 504)) and the Americans with Disabilities Act (42 U.S.C. §12101 et seq. (ADA)). OAH does not have jurisdiction to entertain claims based on Section 504 or the ADA. Accordingly, District's motion to dismiss Issue No. 4 from Student's complaint is granted. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

Dated: October 18, 2012

/s/

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings