

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014020766

ORDER GRANTING MOTION TO
DISMISS ISSUES

On February 19, 2014, Student filed a Due Process Hearing Request (complaint) naming Inglewood Unified School District (District). The complaint alleged violations of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (ADA). On March 7, 2014, District filed a Motion to Dismiss as to these claims in Student’s complaint.¹ As discussed below, the motion is granted.

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, or the ADA.

¹ District also filed a Notice of Insufficiency, which will be addressed in a separate Order.

ORDER

1. The Motion to Dismiss is granted as to Student's claims arising under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act.

2. The matter will proceed as scheduled as to the remaining issue.

DATE: March 12, 2014

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings