

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT.

OAH Case. No. 2015010522

ORDER GRANTING MOTION TO
DISMISS CLAIMS OUTSIDE OF
OFFICE OF ADMINISTRATIVE
HEARINGS JURISDICTION

On January 20, 2015, Saddleback Valley Unified School District filed a motion to dismiss claims in Student’s complaint arising under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) (Section 504) and Section 1983 of Title 42 United States Code (Section 1983). OAH did not receive an opposition from Student.

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”, 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).) 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.)

Here, Student’s Issue One alleges violations of both Section 504 and Section 1983, both of which are outside of OAH jurisdiction. Accordingly, those claims are dismissed and the complaint shall proceed to hearing on the claims arising under the IDEA.¹

IT IS SO ORDERED.

DATE: January 21, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings

¹ In the future, District is advised that this motion should be addressed at the Prehearing Conference if the case has not been resolved by then.