

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

BREA ORLINDA UNIFIED SCHOOL
DISTRICT; NORTHEAST ORANGE
COUNTY SELPA; PLACENTIA-YORBA
LINDA UNIFIED SCHOOL DISTRICT;
and ORANGE COUNTY DEPARTMENT
OF EDUCATION.

OAH Case No. 2015120595

ORDER DENYING ORANGE
COUNTY DEPARTMENT OF
EDUCATION'S MOTION TO DISMISS
AS MOOT

On January 15, 2016, the Orange County Department of Education filed a response to Student's amended request for due process hearing, which Student filed with the Office of Administrative Hearings on January 5, 2015. Although Orange County did not file a separate motion to dismiss, interposed among its response are requests for OAH to dismiss Student's allegations arising under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and title 42 United States Code section 1983, as being beyond OAH's jurisdiction.

On January 22, 2016, OAH issued an order finding Student's amended request for due process hearing insufficient as to Orange County. Orange County's motion to dismiss is therefore moot and is denied.

IT IS SO ORDERED.

DATE: January 25, 2016

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings