BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: CARLSBAD UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050174 ORDER DENYING MOTION TO DISMISS

On May 8, 2017, Student filed a motion to dismiss with the Office of Administrative Hearings. On May 11, 2017, District filed an opposition.

Although OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (e.g., civil rights claims, section 504 claims, enforcement of settlement agreements, incorrect parties, etc…..), special education law does not provide for a summary judgment procedure. Here, District filed a request for a due process hearing to assess Student. Student's motion to dismiss is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits. Accordingly, the motion is denied as a hearing is required to determine those factual contentions. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: May 15, 2017

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings