BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2014020930 ORDER DENYING MOTION TO DISMISS

On February 25, 2014, Student filed a Request for Due Process Hearing, naming Paso Robles Joint Unified School District (District) as the respondent. Student alleged that District's offer of a free appropriate public education was inadequate because it failed to offer occupational therapy services in the 2014 extended school year (ESY). On March 7, 2014, District filed a Motion to Dismiss (Motion), alleging that Student's claim is not ripe. On March 11, 2014, Student filed an opposition.

Although the Office of Administrative Hearings (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. District contends Student's pursuit of due process regarding District's allegedly inadequate offer of 2014 ESY services is premature because District is not obligated to offer ESY services prior to the 2013-2014 ESY period. Here, the Motion 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. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: March 12, 2014

/s/
KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings