

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014070475

ORDER DENYING MOTION TO
DISMISS

On July 23, 2014, Student filed a motion to dismiss San Dieguito Union High School District's (San Dieguito's) case asserting that Student's parents provided consent on May 30, 2014, for San Dieguito to assess Student rendering the case moot. On July 23, 2014, San Dieguito filed an opposition asserting that Student did not raise jurisdictional grounds for dismissal and that a live controversy exists because it has not been able to properly assess Student due to conditions placed on the proposed testing by Student's parents.

The Office of Administrative Hearings will grant motions to dismiss allegations that are facially outside of its 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, 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: July 24, 2014

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings