

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090426

ORDER DENYING PASADENA UNIFIED SCHOOL
DISTRICT'S MOTION TO DISMISS

OCTOBER 1, 2021

On September 27, 2021, Pasadena Unified School District filed a motion to dismiss with the Office of Administrative Hearings. Student did not file a response to the motion.

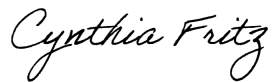
Although the Office of Administrative Hearings, called OAH, will grant motions to dismiss allegations that are facially outside of OAH jurisdiction such as, civil rights claims, section 504 claims, enforcement of settlement agreements, or incorrect parties, special education law does not provide for a summary judgment procedure.

Here, Pasadena Unified School District filed a motion to dismiss supported by a declaration under penalty of perjury that it was not the local educational agency, called

LEA, responsible for providing Student with an educational program during the time at issue, and therefore is not a proper party to this matter. Additionally, since it is the only respondent named in this matter, the complaint should be dismissed.

Since a factual issue exists as to whether Pasadena Unified School District was the LEA responsible for providing Student a free appropriate public education during the relevant time period, the motion to dismiss is not limited to matters that are facially outside of OAH jurisdiction. It instead seeks a ruling on the merits which requires findings of fact by a hearing judge. Accordingly, the motion to dismiss is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings