

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PERRIS UNION HIGH SCHOOL DISTRICT AND MENIFEE UNION
ELEMENTARY SCHOOL DISTRICT.
OAH CASE NUMBER 2021110446

ORDER DENYING MOTION TO DISMISS

DECEMBER 08, 2021

On November 16, 2021, Student filed a request for due process hearing with the Office of Administrative Hearings, referred to as OAH, naming Menifee Union Elementary School District and Perris Union High School District. On December 1, 2021, Menifee filed a motion to dismiss Menifee as a party to the expedited hearing. OAH received no response from Student or Perris.

Although 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, the 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 to dismiss is denied without prejudice. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings