

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120880

ORDER DENYING MOTION TO DISMISS

FEBRUARY 23, 2022

On February 17, 2022, Pleasanton Unified School District filed a motion to dismiss Student's due process hearing request, called a complaint, with the Office of Administrative Hearings. On February 22, 2022, Student filed an opposition.

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.

Pleasanton contends that because Student turned 18 years old before the complaint was filed, Parent does not have standing to bring Student's complaint on

Student's behalf. Whether or not Student has assigned educational rights to Parent is a question of fact to be decided after an evidentiary hearing, and upon which Parent on behalf of Student bears the burden of proof.

It is worth noting, however, that Student's opposition includes the sworn declaration of Student's counsel authenticating a transfer of educational rights to Parent executed by Student prior to the filing of the complaint, indicating that Parent does have standing.

Accordingly, the motion to dismiss is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings