

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
COVINA-VALLEY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026060752

ORDER DENYING STUDENT'S MOTION TO DISMISS ISSUE

JULY 13, 2026

On June 30, 2026, Student filed a motion to dismiss a Covina Unified School District's due process complaint issue. On July 6, 2026, Covina filed opposition to Student's motion. On July 7, 2026, Student filed a reply.

According to Covina's first amended due process hearing request, Covina requested declaratory relief to determine if its' psychoeducational and occupational therapy assessments were legally compliant such that Parent is not entitled to independent education evaluations at public expense. Student alleged in its motion that Parent never disagreed with Covina's psychoeducational assessment and thus, the issue is improper and should be dismissed.

In Covina's opposition to Student's motion, it argued, among other things that there are material factual disputes that need to be evaluated by the Office of Administrative hearings, and disagreed with Student's facts and arguments in the motion. Student filed a reply to Covina's opposition disputing the merits of Covina's opposition.

The procedural safeguards of the IDEA provide that under certain conditions a parent is entitled to obtain an independent educational evaluation at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502 (a)(1) (2006); Ed. Code, §§ 56329, subd. (b), 56506, subd. (c).) To obtain an independent educational evaluation, the parent must disagree with an evaluation obtained by the public agency and request an independent educational evaluation at public expense. (34 C.F.R. § 300.502(b)(1).)

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000), 223 F.3d 1026, 1028-1029.)

Here, the Office of Administrative Hearings has jurisdiction to determine whether Covina's assessments are legally compliant. According to the motion, opposition, and reply, there are material factual disputes between the parties that need to be adjudicated through a due process hearing, and cannot be resolved through a summary judgment process like dismissal.

Accordingly, Student's motion to dismiss Covina's issue regarding the legal compliance of its psychoeducational assessment is denied.

IT IS SO ORDERED.

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

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings