BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. CARLSBAD UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110599 ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Student filed a request for due process (complaint) on November 8, 2016, naming the Carlsbad Unified School District. On January 6, 2017, Student filed a motion for summary judgement, requesting that the Office of Administrative Hearings rule in his favor based on the terms of a settlement agreement executed by the parties in late September 2016. District filed an opposition to the motion on January 10, 2017. Also on January 6, 2017, Student filed a motion to amend his complaint, which the Office of Administrative Hearings granted in a separate order dated January 11, 2017.

APPLICABLE LAW AND ORDER

Although OAH will grant motions to dismiss allegations that are facially outside of OAH 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, Student's motion is not limited to matters that are facially outside of OAH jurisdiction, but instead specifically seeks a ruling on the merits. Thus, the motion is denied. This matter shall proceed to hearing based upon Student's amended complaint.[1]

IT IS SO ORDERED.

DATE: January 11, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

[1] Even had Student filed a motion to dismiss rather than a motion for summary judgment, his motion would have been rendered moot by the granting of Student's motion to amend his complaint.