BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019080673

ORDER DENYING MOTION TO DISMISS

On December 4, 2019, Long Beach Unified School District filed a motion to dismiss with the Office of Administrative Hearings, referred to as OAH. On December 9, 2019, Student filed an opposition.

Long Beach moves to dismiss Student's "issues and remedies that relate to the time period of September 2018 to the present as Petitioner has NEVER provided consent to special education eligibility or services." (Emphasis in original.)

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. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATED: December 10, 2019

DocuSigned by:
Kara Hatfield
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Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings