BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017051304 ORDER DENYING MOTION TO DISMISS

On August 11, 2017, Student filed a motion to dismiss the complaint herein. No response to the motion has been received from Fairfield-Suisun.

Although the motion is entitled a motion to dismiss, it is in substance a motion for summary judgment. it seeks dismissal based on factual allegations the accuracy of which cannot be determined without a full hearing.

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, the Motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits of Fairfield-Suisun's claim.. Accordingly, the motion is DENIED. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: August 24, 2017

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings