BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>CABRILLO UNIFIED SCHOOL DISTRICT. | OAH Case No. 2015030583<br><br>ORDER DENYING CABRILLO UNIFIED SCHOOL DISTRICT'S MOTION TO DISMISS |

On April 17, 2015, Cabrillo Unified School District filed a motion to dismiss Student's due process hearing request on the grounds that the child find, assessment and service claims against it are without merit because Student was privately placed, and District was not responsible for Student's educational program. In support of the motion, District submitted 13 exhibits, totaling 77 pages, purporting to be identified and authenticated by District's counsel.

On April 21, 2015, Student filed an opposition.

Although OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (for example, civil rights claims and section 504 claims), special education law does not provide for a summary judgment procedure. Here, District's motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: April 22, 2015

**/s/**
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings