BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: ANAHEIM CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017010041 ORDER DENYING STUDENT'S MOTION TO DISMISS

On March 1, 2017, Parent on Student's behalf filed a motion to dismiss District's complaint. The motion to dismiss argued the merits of District's claims. Parent also claimed District's complaint is moot because its only issue was resolved at mediation. On March 2, 2017, District filed an opposition, arguing in part that the matter did not fully and completely resolve at mediation and District did not agree to dismiss its complaint at mediation. On March 6, 2017, Parent filed a "Motion to Present Documents into Evidence by Defendants." Parents' second "Motion" will be considered as additional evidence in support of Student's motion to dismiss.

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, including the additional evidence offered on March 6, 2017, is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits of District's claims. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: March 8, 2017

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Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings