BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ALAMITOS UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017050096 ORDER DENYING LOS ALAMITOS UNIFIED SCHOOL DISTRICT'S MOTION TO DISMISS ISSUE 1

On April 28, 2017, Mother, on behalf of Student, filed with the Office of Administrative Hearings a request for due process hearing against Los Alamitos Unified School District. On June 22, 2017, District filed a motion to dismiss Student's Issue 1 with OAH, asserting that Student's Father lawfully exited Student from special education and related services. Student, as represented by Mother, did not file a response.

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, District's motion to dismiss Issue 1 is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits as to whether District properly exited Student from special education. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: July 11, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings