

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009020321

ORDER DENYING MOTION FOR
SUMMARY ADJUDICATION

On August 4, 2009, Student filed a motion for summary adjudication of the issue of whether Chino Valley Unified School District (District) violated “child find” duty from February 10, 2007 to June 1, 2007. District opposed the motion on August 7, 2009 on the ground that there is no summary adjudication procedure that applies to special education due process hearings. Student filed a reply on August 11, 2009. As discussed below, Student’s motion is denied.

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 or summary adjudication procedure. Accordingly, Student’s motion is denied. All dates shall proceed as scheduled.

IT IS SO ORDERED.

Dated: August 11, 2009

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings