

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011030595

ORDER DENYING MOTION TO
DISMISS

On March 16, 2011¹, Parent on behalf of Student (Student) filed a request to dismiss the District's Request for Due Process Hearing (complaint) on the ground that Parent had placed Student in a private Christian school as of March 15, 2011. On March 22, 2011, the District filed an opposition to Student's request. The District contends that Student resides within the District, and the issue raised in the District's complaint has not been addressed or resolved in Student's request for dismissal.

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. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Dated: March 28, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings

¹ Student's request was filed in the Spanish language, and was translated into English on March 18, 2011.