

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012010317

ORDER DENYING MOTION TO
DISMISS

On January 11, 2012, Student filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint) naming the Inglewood Unified School District (District) as the respondent.

On January 26, 2012, District filed a motion to dismiss portions of Student's complaint. OAH has received no response from Student.

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 a procedure for dismissal of all or a portion of the claims based upon the merits.

Here, the Motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits. District's motion argues, based upon residency and inter-district transfer facts set forth in the motion, that school districts other than District are responsible for providing special education and related services to Student prior to March 2011. OAH has jurisdiction to decide which district(s) are responsible for providing a free appropriate public education (FAPE) to Student, and to what extent based on the facts presented at hearing. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Dated: February 03, 2012

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings