

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PLEASANT VALLEY SCHOOL
DISTRICT - CAMARILLO,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012040420

ORDER DENYING MOTION TO
DISMISS

On April 10, 2012, Pleasant Valley School District-Camarillo (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) naming as respondent Parent on Student's behalf. On April 17, 2012, Parent filed a motion to dismiss the complaint on the sole ground that District failed to serve Student at the correct address. Although District did not file an opposition to Student's motion to dismiss, the parties jointly requested on April 24, 2012 that OAH deem the complaint an "amended complaint" and reset all timelines based upon District's error in service. That request was denied by OAH in an Order dated April 24, 2012, without prejudice to the parties jointly seeking a continuance. The parties filed a joint request for continuance of mediation and hearing dates on April 25, 2012, which will be addressed in a separate order.

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 to dismiss is not limited to matters that are facially outside of OAH jurisdiction and Parent has cited no authority that supports a dismissal based upon improper service under these facts. Accordingly, the motion to dismiss is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Dated: April 25, 2012

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings