

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GOLDEN VALLEY CHARTER SCHOOL,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016030933

ORDER DENYING MOTION TO
DISMISS

On March 24, 2016, Student filed with the Office of Administration a motion to dismiss the complaint filed by Golden Valley Charter School on March 21, 2016. The basis for Student's motion is that Golden Valley was not the proper entity as the petitioning party. Golden Valley did not file an opposition to Student's motion. However, Golden Valley filed a motion for leave to amend its complaint on March 29, 2016, the purpose of which was to add Mesa Union School District as a petitioner. OAH denied Golden Valley's motion without prejudice on April 4, 2016.

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, Student's Motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits, specifically as to whether Golden Valley is a proper party. The issues raised in the motion require findings of fact by the hearing officer. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: April 4, 2016

DocuSigned by:

Adrienne L. Krikorian

ADRIENNE L. KRIKORIAN

Administrative Law Judge

Office of Administrative Hearings