

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012060725

ORDER DENYING STUDENT'S
MOTION TO DISMISS

On June 18, 2012, the San Dieguito Union High School District (District), filed a Request for Due Process Hearing (complaint). On July 3, 2012, Parent on behalf of Student (Student) filed a motion to dismiss the complaint (motion). Student's motion alleges the District failed to include relevant facts in its complaint. At its core, Student's motion requests that OAH grant a summary judgment of dismissal, thereby reverting the matter to Student's previously filed compliance complaints filed with the California Department of Education. The District has not filed a response to Student's motion.

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: July 09, 2012

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings