

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014020105

ORDER DENYING DISTRICT'S
MOTION TO DISMISS

On February 12, 2014, the Redlands Unified School District (District) filed a motion to dismiss. On February 13, 2014, Student filed an opposition.

Student's due process hearing request (complaint) alleges that Student has been denied a free appropriate public education (FAPE) because the District has not complied with a request by Student's parent (Parent) to view Student's educational records. District moves to dismiss Student's complaint as moot, with the sworn declaration of its Director of Special Services stating that all records have been produced subsequent to the filing of the complaint. Student's opposition contends that Parent has only been permitted by District to view a portion of Student's educational records.

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), special education law does not provide for a summary judgment procedure. Here, District's 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.

DATE: February 14, 2014

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings