

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**TURLOCK UNIFIED SCHOOL DISTRICT AND MODESTO CITY
SCHOOLS.**

OAH CASE NUMBER 2019081052

ORDER DENYING MOTION TO DISMISS

On August 27, 2019, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, referred to as OAH. On September 6, 2019, Modesto City Schools filed a motion to dismiss the complaint on the ground that the claims alleged against Modesto were outside of the applicable statute of limitations. Student did not file an opposition to the Motion, but instead filed a Motion to Amend the complaint and a First Amended Complaint on September 10, 2019. The motion to amend is 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 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: September 16, 2019

DocuSigned by:
Adrienne L. Krikorian
3475616B5EDF4C6
Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings