

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2021090821

ORDER DENYING BONITA UNIFIED SCHOOL DISTRICT'S
MOTION TO DISMISS WITHOUT PREJUDICE

OCTOBER 11, 2021

On September 27, 2021, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Bonita Unified School District. The Office of Administrative Hearings is referred to as OAH.

On October 5, 2021, Student filed an Amended Request for Due Process Hearing. On October 11, 2021, OAH issued an Order Granting Student's Amended Request for Due Process hearing.

On October 11, 2021, Bonita Unified School District filed a Motion to Dismiss Student's Complaint and Amended Complaint on the basis OAH lacks jurisdiction to hear the claims because the parties previously signed a settlement agreement and

general release of claims, and further on the grounds the claims fall outside the statute of limitations. Student filed an opposition to the motion to dismiss on October 11, 2021.

In light of OAH's Order Granting Student's Amended Request for Due Process Hearing, Bonita Unified School District's Motion to Dismiss is moot. Therefore, the Motion to Dismiss is denied without prejudice. Bonita Unified School District may file a new motion to dismiss with respect to the Amended Request for Due Process Hearing.

ORDER

1. Bonita Unified School District's Motion to Dismiss is denied without prejudice.
2. Bonita Unified School District may refile the Motion to Dismiss as to the Amended Request for Due Process Hearing.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings