

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

GLENDALÉ UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041227

ORDER DENYING MOTION TO DISMISS

AUGUST 5, 2026

On April 27, 2026, Glendale Unified School District filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student. On July 28, 2026, Student filed a motion to dismiss alleging Glendale no longer had standing. On July 29, 2026, Glendale filed an opposition. On July 30, 2026, Student filed a reply in support of the motion to dismiss.

Although OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction such as, civil rights claims, section 504 claims, enforcement of settlement agreements, or incorrect parties, special education law does not provide for a summary judgment procedure. Here, the motion to dismiss is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits.

Glendale's sole issue for hearing is if it may exit Student from special education and related services without parental consent. Student argues Glendale no longer has jurisdiction because Student withdrew from Glendale and now attends a private school located in a different local education agency. However, Student is still a resident of Glendale and Parents have not consented to Glendale exiting Student from special education. Therefore, this raises a triable issue for OAH to decide. Accordingly, the motion to dismiss is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings