BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UNIVERSITY PREPARATORY ACADEMY.

OAH CASE NUMBER 2026060489

ORDER DENYING MOTION TO DISMISS

JUNE 26, 2026

On June 5, 2026, Student filed a request for due process hearing, called a complaint, with the office of the Office of Administrative Hearings, called OAH, naming University Preparatory Academy.

On June 17, 2026, University Preparatory filed a motion to dismiss. University Preparatory asserts Student's complaint should be dismissed based on the claim-splitting doctrine, res judicata and collateral estoppel, statute of limitations, and for failing to state a claim within OAH's jurisdiction.

On June 22, 2026, Parent, Student's father, filed a declaration of Parent in support of Student's opposition to motion to dismiss. At the June 22, 2026, prehearing conference for the expedited hearing in this matter, the parties supplemented their

written filings with oral argument. At the June 22, 2026, prehearing conference, the ALJ granted University Preparatory's motion to unexpedite, and the ALJ took the matter under submission. On June 23, 2026, Student filed a supplemental opposition to University Preparatory's motion to dismiss.

Student asserts that Student was not permitted to amend Student's complaint during the hearing in another due process matter, OAH case number 2026021000, called complaint one, and therefore, filed the instant complaint, called complaint two. Student further contends that complaint two asserts new claims, covering a different time period than complaint one, and that University Preparatory's motion to dismiss must be denied because it only asserts affirmative defenses, which are not sufficient to dismiss Student's complaint two.

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, as discussed more fully below, the motion to dismiss raises affirmative defenses, and is not limited to matters that are facially outside of OAH jurisdiction. Accordingly, the motion to dismiss is denied without prejudice. All dates currently set in this matter are confirmed.

CLAIM SPLITTING

University Preparatory asserts that because Student's complaint two names the same parties, seeks similar relief, and rests on the same facts as complaint one, it must be litigated in one proceeding. University Preparatory contends that the proper procedure to litigate the claims in complaint two was to amend complaint one, not to

file a new case. Because Student did not amend complaint one, but instead filed complaint two, University Preparatory asserts complaint two must be dismissed, pursuant to the doctrine of claim splitting.

Parent counters that during the hearing pertaining to complaint one, he sought to amend his complaint, but was not permitted to do so, and therefore, filed complaint two. Student further asserts that complaint two puts at issue a time period and claims not present in complaint one.

The IDEA specifically states that nothing in the Act shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed. (20 U.S.C. § 1415(o); 34 C.F.R. § 300.513(c) (2006); Ed Code, § 56509.)

University Preparatory's motion does not address the IDEA's express authorization permitting separate claims to be filed. Specifically, it provides that a parent is not precluded from filing a new due process complaint on issues that could have been raised and heard in the first case, but were not. For these reasons, University Preparatory failed to establish that Student's complaint should be dismissed due to claim splitting.

RES JUDICATA AND COLLATERAL ESTOPPEL

University Preparatory contends that Student's complaint should be dismissed based on the doctrines of res judicata and collateral estoppel. University Preparatory asserts that Student should not be permitted to re-litigate claims that will be ruled upon by OAH in an ongoing due process hearing adjudicating complaint one.

Student contends that res judicata and collateral estoppel are affirmative defenses and not sufficient bases to dismiss Student's complaint. Student further asserts that complaint two contains claims not present in complaint one.

Federal and state courts have traditionally adhered to the related doctrines of res judicata and collateral estoppel. (*Allen v. McCurry* (1980) 449 U.S. 90, 94 [101 S.Ct. 411, 66 L.Ed.2d 308]; *Levy v. Cohen* (1977) 19 Cal.3d 165, 171 [collateral estoppel requires that the issue presented for adjudication be the same one that was decided in the prior action, that there be a final judgment on the merits in the prior action, and that the party against whom the plea is asserted was a party to the prior action].) Under the doctrine of res judicata, a final judgment on the merits of an action precludes the parties or their agents from relitigating issues that were or could have been raised in that action. (*Allen*, *supra*, 449 U.S. at p. 94.) However, as discussed above, the IDEA contains a section that modifies the general analysis with regard to res judicata and collateral estoppel. The IDEA specifically states that nothing in the Act shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed. (20 U.S.C. § 1415(o); 34 C.F.R. § 300.513(c) (2006); Ed Code, § 56509.)

Here, University Preparatory failed to identify which issues it asserts are the same between the two complaints. Student's complaint one, as clarified in the May 22, 2026, prehearing conference order, alleges six issues, while complaint two alleges three issues. Although University Preparatory asserts in its motion that the claims in Student's complaint two are "essentially . . . identical to, or substantially overlap with" Student's claims in complaint one, University Preparatory fails to identify which claims in the complaints are allegedly the same. As a result, it failed to establish the claims are the same. In addition, University Preparatory concedes that the issues in complaint one are

being litigated in an ongoing due process hearing, and therefore, there has been no final judgment on the merits as to the issues in complaint one. For these reasons, University Preparatory failed to establish that Student's complaint should be dismissed based on the doctrines of res judicata or collateral estoppel. Nothing prevents University Preparatory from asserting the doctrines of res judicata or collateral estoppel as an affirmative defenses at hearing.

FAILURE TO STATE A CLAIM

University Preparatory contends that Student's Issue three fails to state a claim over which OAH has jurisdiction. Student generally counters that University Preparatory failed to properly challenge the complaint's sufficiency and, even if it had, the complaint is sufficient.

University Preparatory's motion to dismiss Issue three raises two arguments. First, regarding the sufficiency of the claim. Second, regarding whether the claim is within OAH's jurisdiction. The arguments will be addressed separately.

Student's Issue three states:

> By temporary family court order in effect May 6 to Aug. 19, 2024, Student's mother briefly held sole legal custody, and Student was ordered re-enrolled at UPA. A new order on Aug. 19, 2024 restored joint legal custody. Ten days later, on Aug. 29, 2024, UPA processed an Official Withdrawal/Transfer Notice and released Student's records to another school on the mother's signature alone -- without notice to Parent, then or ever. Parent first saw these records (Exhibits C-5, C-6) at the June 2026 hearing. These failures

denied Parent participation and FAPE. Timely under 20 U.S.C. 1415(f)(3)(C).

SUFFICIENCY OF ISSUE 3

The named parties have the right to challenge the complaint's sufficiency. (20 U.S.C. § 1415(b) & (c).) The party filing the complaint is not entitled to a hearing unless the complaint meets the requirements of title 20 United States Code section 1415(b)(7)(A). The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

To the extent that University Preparatory's motion asserts that Student's complaint is insufficient, it was not persuasive. University Preparatory filed a motion to dismiss for failure to state a claim. It failed to file a notice of insufficiency as to the sufficiency of the complaint. Accordingly, University Preparatory failed to establish that Student's complaint should be dismissed due to insufficiency.

JURISDICTION OF ISSUE 3

A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a [FAPE] to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program

appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

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. University Preparatory's assertion that OAH lacks jurisdiction over Student's Issue three is premature. As pled, it appears potentially within OAH's jurisdiction. However, the prehearing conference during which the ALJ and parties further clarify the issues has yet to occur. Following issue clarification, nothing prevents University Preparatory from renewing this motion.

STATUTE OF LIMITATIONS

University Preparatory contends that Student's Issues one and two are barred by the statute of limitations and Student has failed to allege an exception to the statute of limitations. Student generally counters that the statute of limitations is an affirmative defense, and not a sufficient basis upon which to dismiss a due process complaint. Parent generally further asserts that Student's claims are timely.

The statute of limitations in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).) However, title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (l), establish exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the

complaint, or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

In this case, whether or not Student had knowledge of Student's due process claims, and whether or not University Preparatory withheld information or engaged in misrepresentations preventing Student from filing for due process, are questions of fact to be determined by the ALJ following the presentation of evidence at hearing. Accordingly, University Preparatory's motion to dismiss Issues one and two is denied, without prejudice. Nothing prevents University Preparatory from asserting the statute of limitations as an affirmative defense at hearing.

University Preparatory's Motion to Dismiss is DENIED.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings