

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL
DISTRICT, TWIN RIVERS UNIFIED
SCHOOL DISTRICT, SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT,
SACRAMENTO COUNTY MENTAL
HEALTH, SACRAMENTO COUNTY
PROBATION DEPARTMENT,
SACRAMENTO COUNTY OFFICE OF
EDUCATION, CALIFORNIA
DEPARTMENT OF MENTAL HEALTH,
AND CALIFORNIA DEPARTMENT OF
EDUCATION.

OAH CASE NO. 2009050043

ORDER DENYING MT. DIABLO'S
MOTION TO DISMISS AS MOOT

On April 28, 2009, Student filed a Due Process Hearing Request (complaint) against the Mt. Diablo Unified School District (MDUSD), Los Angeles County Office of Education (LACOE), Twin Rivers Unified School District (TRUSD), Sacramento City Unified School District (SCUSD), Sacramento County Mental Health (SCMH), Sacramento County Probation Department (SCPD), Sacramento County Office of Education (SCOE), California Department of Mental Health (CDMH), and California Department of Education (CDE). On May 19, 2009, the Office of Administrative Hearings granted SCUSD's Notice of Insufficiency as to Issue Four, which was the only issue that named MDUSD as a responding party. The Order granted Student 14 days to file an amended complaint

On May 13, 2009, MDUSD filed a motion to dismiss. MDUSD asserts that it is not a proper party to this action. OAH received no response from Student. Because the May 19, 2009 Order dismissed Issue Four, MDUSD's motion to dismiss is moot. MDUSD may re-file its motion if Student files an amended complaint that names MDUSD as a responding party. Therefore, MDUSD's motion to dismiss is denied.

It is so ordered.

Dated: May 22, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings