

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LAKESIDE UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012050216

ORDER DENYING MOTION TO
DISMISS

On May 4, 2012, the Lakeside Union School District (District) filed a Request for Due Process Hearing (complaint) naming Parents on behalf of Student (Student) as respondent. The complaint contains a proof of service indicating that it was served on Student via overnight mail.

On May 8, 2012, the Office of Administrative Hearings (OAH) issued a scheduling order. OAH served Student via U.S. Mail at the same address as the District served the complaint.¹ On May 14, 2012, and May 29, 2012, the parties filed joint requests for continuance. On June 7, 2012, OAH conducted mediation with Parent attending on behalf of Student.

On July 24, 2012, attorneys Victoria Ikerd-Schreiter and Meagan Nunez filed a Notice of Representation of Student and a motion to dismiss on grounds that the complaint was improperly served. Student offers no supporting evidence to support its allegation of improper service. In fact, Student's motion is moot as Student made an appearance by filing the joint requests for continuance and participating in mediation.

Student's motion to dismiss is DENIED.

IT IS SO ORDERED.

Dated: July 26, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

¹ In her motion to dismiss, Student admits that she received the OAH scheduling order.