

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT

OAH CASE NO. 2009020671

ORDER DENYING MOTION TO
DISMISS

On February 23, 2009, attorney David Tollner filed with the Office of Administrative Hearings (OAH) a due process hearing request (complaint) on behalf of Student naming San Jose Unified School District (District) as the respondent.

On February 24, 2009, Rodney L. Levin, attorney, filed on behalf of District a motion to dismiss and a motion to determine insufficiency.

On February 24, 2009, OAH ruled on the insufficiency motion and, finding some issues insufficient, gave Student fourteen days for file an amended complaint. Student has since filed his amended complaint. Therefore, District's motion filed against Student's initial complaint is moot.

ORDER

District's motion to dismiss is denied as moot.

IT IS SO ORDERED.

Dated: March 11, 2009

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings