

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL
DISTRICT.

OAH CASE NO. 2011110148

ORDER DENYING MOTION TO
DISMISS

On November 1, 2011, Parents on behalf of Student (Student) filed a Due Process Request (complaint) naming the Bakersfield City School District (District) as respondent. According to the proof of service which accompanied the complaint, Student served the District by facsimile. On November 7, 2011, the District filed a motion to have the Office of Administrative Hearings (OAH) dismiss Student's complaint, or in the alternative, to order Student to serve a copy of the complaint on the District's special education office. The District's motion is supported by declarations of its counsel and Julius Steele, the District's special education director that the only notice of the complaint was when the District received the scheduling order issued by OAH. Mr. Steele's declaration was signed on November 7, 2011.

On November 9, 2011, OAH received a copy of the complaint accompanied by a proof of service dated November 4, 2011 that indicated that service was made by mail directed to Mr. Steele at 1300 Baker Street, Bakersfield, CA 93305.

The District's motion to dismiss is denied. In order to ensure that service is perfected, Student is directed to serve the District's special education office either by personal service or registered mail within three days of the date of this order.

Dated: November 14, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings