

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DELTA CHARTER HIGH SCHOOL,
NEW JERUSALEM SCHOOL DISTRICT
AND SAN JOAQUIN COUNTY OFFICE
OF EDUCATION.

OAH Case No. 2015090690

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION TO DISMISS
EXPEDITED ISSUES FOR HEARING

On October 7, 2015, David Thoming, Superintendent of New Jerusalem School District, filed a motion to dismiss Student's expedited issues for hearing on the grounds that New Jerusalem is not seeking to change Student's placement.¹ Additional information is required before a ruling may be made on the pleadings as Student's complaint challenges the October 2014 manifestation determination meeting, and the September 2015 expulsion attempt as no evidence exists to support New Jerusalem's assertion.²

ORDER

By 5:00 p.m., on October 12, 2015, each party shall provide evidence and briefing regarding the below. Each party shall include sworn declarations supporting any factual assertions included in its briefing.

1. The outcome of the October 2014 manifestation determination meeting, and whether Student's disciplinary conduct was determined to be a manifestation of his disability, or if such a meeting actually occurred.

¹ It is unclear if Mr. Thoming is filing this motion to unexpedite on behalf of both Delta Charter High School and New Jerusalem. Mr. Thoming's signed Delta's September 17, 2015 notice of insufficiency as Delta's Superintendent. If Mr. Thoming is signing pleadings on behalf of both Delta and New Jerusalem, he needs to identify himself as such.

² New Jerusalem's motion to dismiss did not include a declaration under penalty of perjury in support of its position that it is not seeking to change Student's placement.

2. Whether a manifestation determination meeting took place in September 2015, and if so, the outcome of the manifestation determination meeting.

IT IS SO ORDERED.

DATE: October 8, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings