

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOUTHERN KERN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011050800

ORDER DENYING KERN COUNTY
SUPERINTENDENT OF SCHOOLS'
MOTION TO DISMISS AS MOOT

On May 19, 2011, Parent, on behalf of Student (Student), filed a Due Process Hearing Request (complaint), naming Southern Kern Unified School District (District). On June 1, 2011, Student filed a Notice to Amend the Due Process Hearing Request (amended complaint), as well as a Notice to Add a Party, the Kern County Superintendent of Schools (Superintendent), to the amended complaint. The District and Superintendent did not file a response or opposition to Student's requests. On June 8, 2011, the Office of Administrative Hearings (OAH) granted Student's motion to amend as to the District and denied Student's request to add the Superintendent as a party.

On June 7, 2011, the Superintendent filed a motion to dismiss, asserting that it is not an appropriate party to this action. On June 8, 2011, Student filed an opposition. Because OAH denied Student's request to add the Superintendent as a party, its motion to dismiss is denied as moot because the Superintendent is not a party to this action.

IT IS SO ORDERED.

Dated: June 21, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings