

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014090127

ORDER DENYING MOTION TO
DISMISS

On September 2, 2014, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing naming the Campbell Union High School District and the San Andreas Regional Center as respondents.

On September 11, 2014, Student requested that San Andreas be dismissed as a party, which was granted by OAH.

On September 12, 2014, Campbell filed with OAH a motion to dismiss on grounds that Campbell was no longer the local education agency responsible for providing Student with educational services as of September 5, 2014.

On September 17, 2014, Student filed with OAH a request for leave to file an amended complaint and requested that Campbell's motion be denied as moot. The amended complaint reiterates the allegations made as to Campbell and eliminates San Andreas as party as well as requesting different resolutions. On September 22, 2014, OAH granted Student leave to file the amended complaint.

Thus, Student's motion to dismiss is moot.

In the alternative, the allegations in the original complaint relating to Campbell are for actions taken or not taken in providing Student an appropriate Individualized Education Program from December 2, 2013. During the time period of December 2, 2013 until September 5, 2014, Campbell was responsible for providing Student with a free appropriate public education.

Because Student's claims involve Campbell's failure to provide Student with a FAPE from December 2, 2013 forward, Campbell has failed to set forth grounds that OAH lacks jurisdiction in this matter.

Campbell's motion to dismiss is DENIED.

IT IS SO ORDERED.

DATE: September 21, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings