BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CLEAR PASSAGE EDUCATIONAL CENTER.

OAH CASE NUMBER 2020090447

ORDER DENYING MOTION TO DISMISS

OCTOBER 8, 2020

On September 11, 2020, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Clear Passage Educational Center. The Office or Administrative Hearings is referred to as OAH.

On September 24, 2020, Long Beach Unified School District filed a notice of representation as the local educational agency. However, Long Beach is not a named party in the complaint. Clear Passage Educational Center failed to respond to Student's complaint.

On October 2, 2020, Long Beach filed a Motion to Dismiss the complaint based on a settlement agreement that resolved all claims in the complaint between it and

Student. On October 7, 2020 Student filed an opposition to non-party Long Beach's motion to dismiss and Long Beach filed a response on the same date.

DISCUSSION

Long Beach sought dismissal based on the existence of a settlement agreement. However, Long Beach has no standing to request dismissal because it is not a party to this action. Based on the foregoing, Long Beach's request for dismissal is denied.

ORDER

Long Beach Unified School District's Motion to Dismiss is denied. The matter shall proceed as scheduled.

IT IS SO ORDERED.

DocuSigned by:
Marlo Nisperos
97112E4B27A64FF...

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings