BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MT. DIABLO UNIFIED SCHOOL DISTRICT, CONTRA COSTA COUNTY OFFICE OF EDUCATION AND CONTRA COSTA SPECIAL EDUCATION LOCAL PLAN AREA	OAH Case No. 2019030484 DISMISSALOF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On March 12, 2019 Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Mt. Diablo Unified School District, Contra Costa County Office of Education and Contra Costa Special Education Local Plan Agency.[2] On March 27, 2019, Contra Costa Special Education Local Plan Area filed a Notice of Insufficiency as to Student's complaint, and in the alternative, a Motion to Dismiss Contra Costa Special Education Local Plan Area from Student's complaint.

OAH received no response to the Notice of Insufficiency or the Motion to Dismiss.

APPLICABLE LAW

The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint. (20 U.S.C. § 1415(b) & (c).) The party filing the complaint is not entitled to a hearing unless the complaint meets the requirements of title 20 United States Code section 1415(b)(7)(A).

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

[2] Contra Costa County Office of Education was dismissed as a party on March 28, 2019.

ORDER

Contra Costa Special Education Local Plan Area's Motion to Dismiss was granted on March 28, 2019. As Contra Costa Special Education Local Plan area has been dismissed, the request for a Determination of Sufficiency of Student's complaint as it relates to Contra Costa Special Education Local Plan area is moot.

Contra Costa Special Education Local Plan Area request for a Determination of Sufficiency of Student's complaint is dismissed.

DATE: March 28, 2019

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Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings