

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT.

OAH CASE NO. 2014050790

ORDER DENYING MOTION TO
DISMISS

On May 14, 2014, Student's parent on behalf of Student filed a request for a due process hearing (complaint), naming the Lancaster School District (Lancaster). On May 28, 2014, OAH found that the complaint was not sufficiently pled. Student's parent was given 14 days from the date of that order to file an amended complaint.

On June 12, 2014, Lancaster filed a motion to dismiss the case on the basis that Student's parent had not filed an amended complaint. OAH has received no response to that motion.

A review of the OAH file for this matter shows that on June 3, 2014, Student's parent filed an amended complaint. However, no proof of service was attached to that filing, so Lancaster may not have been aware of that filing. Because the sole basis for Lancaster's motion was the lack of an amended complaint, and because that amended complaint was filed, the motion to dismiss must be denied.

ORDER

The motion to dismiss is denied. The matter shall proceed as scheduled.

IT IS SO ORDERED.

DATE: June 18, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings