

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014060934

ORDER GRANTING MOTION TO
DISMISS

On June 16, 2014, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming the San Juan Unified School District as the respondent. In the complaint, Student seeks admission to a community transitional program at the Laurel Ruff School operated by San Juan.

On June 26, 2014, San Juan filed a Motion to Dismiss, alleging that OAH lacks jurisdiction because Student has received his high school diploma. Also, San Juan contended that Parent does not have standing since Student is over 18.

OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW AND DISCUSSION

Student attached several documents to his complaint. A letter dated March 13, 2013, to Student's parents from Shelley Ellinghouse, a special education program manager of San Juan, confirms that Parents had withdrawn Student from San Juan to be enrolled at private residential care facility in Sheridan, Wyoming. Another document is a January 16, 2014 individualized education program for Student by Normative Services of Sheridan, Wyoming. A third document is Student's transcript from Normative which indicates that Student received his high school diploma on May 22, 2014.¹ In the complaint, Student also stated that San Juan was informed that Student had received a high school diploma from the facility in Wyoming.

Section 300.102(a)(3)(i) of title 34 of the Code of Federal Regulations states that an individual with exceptional needs who graduates from high school with a regular high school

¹ The transcript shows that Student earned a GPA of 2.93.

diploma is no longer eligible for special education and related services. (Ed. Code, § 50621.1, subd. (a)).

Here, there is no dispute that Student received his diploma from Normative Services. Thus, Student is no longer eligible for special education services. Since, Student is no longer eligible for special education; OAH has no jurisdiction as to Student's claim.

ORDER

San Juan's Motion to Dismiss is GRANTED. The matter is dismissed.

IT IS SO ORDERED.

DATE: July 8, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings