

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA ROSA CITY SCHOOLS.
OAH CASE NUMBER 2021080463

ORDER DENYING MOTION TO DISMISS WITHOUT
PREJUDICE

SEPTEMBER 2, 2021

On August 16, 2021, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Santa Rosa Elementary School District as respondent.

On August 27, 2021, Santa Rosa City School District filed a motion to dismiss the complaint for Student's failure to serve the complaint on Santa Rosa; and for failure to participate in a mandatory resolution session. No proof of service accompanied the motion.

All motions filed with OAH are required to be accompanied by a proof of service that complies with the elements of title 5 of the California Code of Regulations, section

1008, subdivisions (b) through (e); or with California Code of Civil Procedure, section 1013. (Cal. Code. Regs, tit. 5, § 1008, subd. (a) and (f).) This motion failed to include proof of service and is therefore denied without prejudice.

IT IS SO ORDERED

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings