BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT, SAN DIEGO COUNTY OFFICE OF EDUCATION, NORTH COASTAL CONSORTIUM OF SPECIAL EDUCATION, AND CALIFORNIA DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2021050037

ORDER DISMISSING NORTH COASTAL CONSORTIUM OF SPECIAL EDUCATION AS A PARTY

JULY 2, 2021

On April 29, 2021, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming San Dieguito Union High School District, North Coastal Consortium for Special Education, and San Diego County Office of Education. On May 17, 2021, OAH determined the complaint was insufficiently pled as to North Coastal Consortium and allowed Student 14 days to amend the complaint. On June 1, 2021, Student filed an amended complaint

naming the same three parties as respondents. On June 9, 2021, OAH determined Student's amended complaint was insufficiently pled as to North Coastal Consortium. OAH dismissed Issues One and Two as to North Coastal Consortium without further leave to amend the complaint with respect to that respondent.

On June 14, 2021, OAH determined Student's amended complaint was insufficiently pled as to San Diego County and allowed Student 14 days to amend the complaint. On June 18, 2021, Student filed a second amended complaint naming San Dieguito, North Coastal Consortium, San Diego County, and the California Department of Education.

On June 23, 2021, North Coastal Consortium filed an opposition to Student's second amended complaint and a Motion to Dismiss itself as a party to the case on the grounds that OAH's June 9, 2021 Order dismissed Issues One and Two as to North Coastal Consortium without leave to amend the complaint. On June 28, 2021, Student filed a response to North Coastal Consortium's opposition and an opposition to the Motion to Dismiss. Student argued OAH's June 14, 2021 Order granted leave to amend the first amended complaint.

There is no summary judgment procedure in special education cases. However, OAH dismiss issues and parties not within its jurisdiction. Here, OAH's June 9, 2021 Order dismissed Issues One and Two in the first amended complaint as to North Coastal Consortium without leave to amend. Student did not allege any other issues against North Coastal Consortium in the first amended complaint. Therefore, North Coastal Consortium was effectively dismissed as a party to the case.

Student's argument that OAH's subsequent June 14, 2021 Order that granted leave to amend as to San Diego County allowed it to rename North Coastal Consortium

as a party to the case is unpersuasive. Student did not establish grounds for overturning OAH's June 9, 2021 Order. Accordingly, North Coastal Consortium is no longer within OAH's jurisdiction with respect to this case and its Motion to Dismiss is granted.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings