BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

LONG BEACH UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023090184

NOTICE OF NO ACTION REGARDING STUDENT'S RESPONSE TO DISTRICT'S REQUEST TO DISMISS WITHOUT PREJUDICE

DECEMBER 7, 2023

On September 5, 2023, Long Beach Unified School District filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Student. On November 29, 2023, Long Beach requested OAH dismiss the case without prejudice. On November 30, 2023, OAH dismissed the case.

On November 30, 2023, Student filed a response to Long Beach's request to dismiss the case without prejudice, requesting that the case remain open due to disagreements Parent has with events since OAH issued a Decision in an earlier matter, OAH Case No. 2021020305. Additionally, Student sought to review the results of the

three-year-review assessment to which Parent recently agreed and the special education and related services offered thereafter.

Long Beach did not file any response to Student's request for OAH to deny Long Beach's request to dismiss.

Long Beach withdrew its request for due process hearing to obtain authorization to assess Student under the May 16, 2023 assessment plan. because Parent consented to the three-year-review assessment. The only issue for hearing was resolved and, based on the request of the party who filed the complaint, OAH dismissed the case. Student may not prevent Long Beach from withdrawing its case without prejudice nor convert the school district's case into a hearing regarding concerns Parent desires an Administrative Law Judge determine.

Accordingly, no action is taken on Student's request not to close the case, or to re-open it.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings