

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. 2015010612

ORDER GRANTING REQUEST TO
DISMISS

On January 16, 2015, Student filed a request for due process hearing naming the San Juan Unified School District as the respondent.

On February 10, 2015, San Juan submitted a copy of an executed settlement agreement that states the matter is to be dismissed with prejudice. This matter was filed by Student and Student did not submit a request to the Office of Administrative Hearings seeking dismissal. Accordingly, San Juan's document submission was considered a motion to dismiss. OAH has not received a response from Student.

APPLICABLE LAW AND DISCUSSION

Parents have the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) OAH has jurisdiction to hear due process claims arising under the Individuals with Disabilities Education Act (IDEA). (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029 [hereafter *Wyner*].)

According to the settlement agreement submitted by San Juan, Student released all claims against San Juan as of the date of the fully executed Agreement and expressly indicated the matter would be dismissed with prejudice. While San Juan did not submit anything other than the executed settlement agreement, OAH can ascertain that San Juan is requesting this matter be dismissed. Student did not submit any information to the contrary. Accordingly, San Juan's motion to dismiss is granted.

ORDER

OAH Case No. 2015010612 is dismissed.

IT IS SO ORDERED.

DATE: February 17, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings