

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015080682

ORDER DENYING MOTION TO
DISMISS PORTIONS OF THE
COMPLAINT

On August 12, 2015, Parents on behalf of Student filed with the Office of Administrative Hearings a Due Process Hearing Request¹ (complaint) naming ABC Unified School District.

On August 25, 2015, ABC filed a response to Student's complaint. On August 27, 2015, ABC filed with OAH a Notice of Insufficiency as to seven of the 16 issues alleged in the complaint.

On August 28, 2015, OAH, by the undersigned, issued an order which found that issues 5.1.2; 5.1.4; 5.1.5; and 5.1.8 were insufficient and 5.1.5 was partially insufficient. OAH also found that issue 5.1.14 was sufficient.

On August 31, 2015, ABC filed a motion to dismiss portions of the complaint. ABC seeks an order from OAH to dismiss issues 5.1.2; 5.1.3; 5.1.4; 5.1.11; 5.1.12; and 5.1.15 as these issues partially involve allegations that ABC failed to implement Student's Individualized Education Program and/or services during the 2015-2016 school year and 2016 Extended School Year, none of which had occurred at the time the complaint was filed on August 12, 2015. ABC also seeks to dismiss issues 5.1.8 and 5.1.9, which are included in issue 5.1.10. ABC also seeks to dismiss or strike Student's proposed remedies requesting that it provide certain services for the remainder of the 2014-2015 school year and the 2015 ESY.

On September 16, 2015, Student filed with OAH a request to withdraw the case.

On September 18, 2015, OAH issued an order dismissing the case.

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 United States Code section 1415(b)(7)(A).

ORDER

. ABC's motion to dismiss is denied as moot.

IT IS SO ORDERED.

DATE: September 18, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings