

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

POWAY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012040782

ORDER DENYING MOTION TO
DISMISS

On April 19, 2012, the Poway Unified School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing naming Parents on behalf of Student (Student) as respondent. In the complaint, the District seeks an order from OAH that the District appropriately assessed Student and the Student's parents are not entitled to an Independent Education Evaluation (IEE) at public expense.

On May 21, 2012, Student filed a motion to dismiss the due process hearing. The District filed an opposition to the motion on May 22, 2012. On May 22, 2012, Student's father filed with OAH a copy of a letter sent by him to Melanie Brown, the District special education director. In the letter, Student's father states: "I am requesting that I withdraw my request for an Independent Education Evaluation (IEE) for son, [Student], *at this time.*" (Emphasis added.)

In effect, Student is seeking dismissal of the District's complaint on grounds that the matter is moot because of the withdrawal of the IEE request *at this time*. Because the withdrawal of the IEE request is not a complete withdrawal, there remains a dispute between the parties. Thus, the matter is not moot.

Student's motion to dismiss the complaint is denied.

IT IS SO ORDERED.

Dated: May 24, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

