

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010100953

ORDER DISMISSING EXPEDITED
HEARING ISSUES AND VACATING
EXPEDITED HEARING DATES

On October 20, 2010, Student filed a Due Process Hearing Request (complaint) alleging two issues. Issue One alleged that District failed in its Child Find obligations to identify Student as a student with a disability, failed to assess Student and failed to provide him with appropriate special education and related services. Issue Two alleged that District disciplined and expelled Student without affording him the procedural protections that apply to students who are eligible for special education and related services who have violated a code of student conduct.

OAH scheduled an expedited hearing to address Issue Two. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) OAH also scheduled a non-expedited hearing to address Issue One.

On November 4, 2010, Student filed a Motion to Withdraw Issue from Due Process Complaint, withdrawing Issue Two with prejudice. OAH has received no opposition.

The Motion is granted and Issue Two is dismissed. The expedited hearing dates are vacated. The dates pertaining to the non-expedited portion of the case are unaffected by this Order and shall remain as scheduled.

ORDER

1. Student's Motion to Dismiss Issue Two is granted and Issue Two is dismissed.
2. The expedited pre hearing conference scheduled for November 9, 2010, and the expedited hearing dates set for November 9, 10, 15, 16 and 17 are vacated.

3. All other previously scheduled dates pertaining to the non-expedited portion of the complaint shall remain on calendar.

IT IS SO ORDERED.

Dated: November 04, 2010

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings