

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

EDUCATIONAL RIGHTS HOLDER ON
BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010120724

ORDER DENYING MOTION FOR
CLARIFICATION

On December 20, 2010, Student filed a Request for Due Process Hearing (complaint) against the Folsom Cordova Unified School District (Folsom) and the Natomas Unified School District (Natomas). On January 25, 2011, Natomas was dismissed as a party as Natomas and Student reached an agreement during the resolution session.

On March 30, 2011, Folsom filed a motion to dismiss, alleging that Student, in one issue, did not allege a violation against Folsom, and that the Office of Administrative Hearings (OAH) did not have jurisdiction to hear Student's claims in issues 4 and 5. On May 2, 2011, Student filed a response. On May 3, 2011, the undersigned Administrative Law Judge issued an order that granted Folsom's motion to dismiss Issue 1 and denied its motion to dismiss Issues 4 and 5.¹

On May 5, 2011, Folsom filed a motion for clarification as to remaining issues in the complaint because the May 3, 2011 order did not address whether the remaining issues, which only alleged violations against Natomas, were also dismissed as to Folsom. Student did not submit a response.

The May 3, 2011 order only discussed the remaining allegations against Folsom that were not dismissed on January 25, 2011, which were Issues 1, 4 and 5. Accordingly, Folsom's motion for clarification is denied because all other issues in the complaint, except Issues 1, 4 and 5 were dismissed on January 25, 2011. As stated in the May 3, 2011 order, this matter shall proceed only between Student and Folsom on Issue 4 related to whether Folsom produced Student's complete educational records and Issue 5 that Folsom failed to

¹ Student's complaint contains two sets of issues numbered 4, 5 and 6. This order refers to the Issues 4 and 5 in the complaint that refer to both Folsom and Natomas; the other Issues 4 and 5 only refer to Natomas.

provide placing agencies with required information about appropriate special education programs.

IT IS SO ORDERED.

Dated: May 13, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings