

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013040098

ORDER DENYING MOTIONS
CONCERNING RECORDS AS MOOT

On October 28, 2013, Parents on behalf of Student filed a motion for an order requiring the Folsom Cordova Unified School District (District) to provide to them certain of Student's records, and another motion for an order requiring the District to respond to their pending request to amend certain of Student's records.

On November 5, 2013, the District filed oppositions to both motions.

Motion for Order Requiring District to Provide Student Records

Parents allege that at an individualized education program (IEP) team meeting on August 23, 2013, the District referred to several teacher reports and other records concerning Student but has declined their repeated requests for those records. The District's opposition is supported by a declaration of its attorney stating that after receiving Student's motion, its staff met with Parents to clarify their request and since has provided the requested records to Parents. Parents have not filed any response to this claim. The matter appears to have been resolved, so Student's motion is moot.

Motion for Order Requiring District to Respond to Parents' Pending Request for Amendment of Records

Parents allege that on August 29, 2013, they made a written request of the District that it amend certain of Student's records relating to the IEP team meeting of August 23, 2013. The District's opposition is supported by a declaration of its attorney stating that after receiving Student's motion, the District's Special Education Coordinator Hunt Lin sent an email to Parents requesting additional information regarding their concerns about amending the records and offering to meet with them to review the audio recording and meeting notes of the IEP team meeting. However, according to that declaration, Parents declined, requesting that communications concerning their request take place through the District's attorney. Parents have not filed any response to this claim. Since the District has responded to Parents' request the matter appears to have been resolved, and so the motion is moot. It is unnecessary to decide whether, as the District claims, the Office of Administrative Hearings

lacks jurisdiction to rule on Parents' request that Student's records be amended. (See Ed. Code, § 49070.)

Parents' motions for orders requiring the District to provide to them certain of Student's records, and requiring the District to respond to their pending request to amend certain of Student's records, are DENIED as moot.

Dated: November 26, 2013

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings