

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HEMET UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015010324

ORDER DENYING MOTION TO
DISMISS AS MOOT

On January 7, 2015, Parent on behalf of Student filed a Request for Due Process Hearing (complaint), naming Hemet Unified School District. On January 26, 2015, Parent filed a notice of settlement and request to dismiss. OAH closed the matter.

Parent's January 26 dismissal document also contained a restatement of the complaint, but it was clearly intended as a dismissal of the matter due to the settlement thereof. On January 30, 2015, District filed a Motion to Dismiss, apparently believing that Parent's dismissal document was an attempt to amend the complaint, or to state a new complaint. District's motion stated that the claims had been settled and/or were insufficient.

The Motion is denied, for the following reasons. Parent did not file a new complaint or amendment; rather, her January 26 filing is treated as a dismissal. The current status of Case Number 2015010324 is closed, pursuant to Student's January 26, 2015 notice of settlement and request to dismiss. Therefore District's Motion to Dismiss is denied as moot.

ORDER

District's Motion to Dismiss is denied as moot.

IT IS SO ORDERED.

DATE: February 3, 2015

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings