

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012010159

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION TO DISMISS

On February 10, 2012, the San Diego Unified School District (SDUSD) filed a motion to dismiss, asserting that it had already complied with the alleged child find request for Student, whose resides in La Mesa-Spring Valley School District (LMSV), but attends a private school within SDUSD, and that she is not entitled to direct services from SDUSD. On February 14, 2012, Student filed an opposition to the motion, asserting that a triable issue existed as to SDUSD's child find duty and Student's parents are entitled for reimbursement for privately obtained services caused by SDUSD's child find failure. Additional information is required before a ruling may be made on the pleadings.

ORDER

By 5:00 p.m. on February 23, 2012, each party shall provide briefing regarding:

1. Because LMSV found Student eligible for special education services and Parents consented to LMSV's September 2009 individualized education program, before unilaterally placing her in a private school within the boundaries of SDUSD, does SDUSD have a child find obligation to assess Student?

2. Even if SDUSD had a legal child find obligation to assess Student, are Parents entitled to reimbursement for privately obtained services?

Each party shall include sworn declarations supporting any factual assertions included in its briefing.

IT IS SO ORDERED.

Dated: February 17, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings