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BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

█, by and through his parents, █ :
and █, :
Petitioners, :
v. : Docket No.
PAULDING COUNTY SCHOOL : OSAH-DOE-SE-█-110-KENNEDY
DISTRICT, : 15-301080
Respondent. :


ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY DETERMINATION

Petitioners filed a due process complaint on October 29, 2014. The parties notified the court that they had agreed to waive the Early Resolution Session and proceed with mediation that was scheduled for December 8, 2014. Petitioners failed to appear at the mediation session and notified Respondent that they had moved to the State of Texas and no longer wished to proceed with their due process complaint. However, the court has received no communication via email, telephone, or mail from Petitioner. Accordingly a hearing was scheduled on this matter.

Respondent filed a Motion for Summary Determination on February 12, 2015 arguing that Petitioner lacks standing to pursue his due process complaint because he is no longer a resident of the State of Georgia. Ga. Comp. Rules and Regs. 616-1-2-.15. Petitioner has not filed a response to the motion.

After careful consideration, the court finds that Petitioner lacks standing to pursue their due process complaint because they no longer reside in the State of Georgia. 20 U.S.C. § 1412(a)(1)(A). See also Devine v. Indian River Co. Sch. Bd., 249 F.3d 1289 (2001). Accordingly, the Court hereby GRANTS Respondent's Motion for Summary Determination and dismisses Petitioner's Due Process Complaint with prejudice. Consequently, the hearing scheduled for March 16, 2015 is cancelled.

SO ORDERED, this 5th day of March, 2015.



Ana P. Kennedy
Administrative Law Judge