

**BEFORE THE MISSISSIPPI DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION**

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COMPLAINANT

V.

CASE No. D01272025-28

Jefferson Davis County School District

RESPONDENT

MOTION TO DISMISS DUE PROCESS COMPLAINT

Pursuant to 34 C.F.R. § 300.512, Petitioner was required to provide Respondent with a copy of any evidence intended to be introduced at the hearing, including a list of witnesses at least five (5) business days prior. The hearing was scheduled for April 10, 2025. After several attempts to resolve the issue without the need for a hearing, the Hearing Officer sent both parties an email on March 14, 2025 stating, “All documents, including Form 5 (witnesses for the District) and Form 7 (witnesses for the Parent) be sent to me and the opposing party electronically no later than 5:00 p.m. Thursday, April 3, 2025. No additional or new evidence will be considered after the 3rd.”

The Petitioner has failed to establish her case and has abandoned the pursuit of her claims in the Request for Due Process Hearing. Procedural requisites also were ignored by failing to provide Respondent with the required documentation and witness list five days prior to the hearing. To date, no exhibits or witness list has been submitted. As a result, Respondent was not afforded the adequate opportunity to prepare a defense, cross-examination, or rebuttal to the evidence that Petitioner intended to introduce at the hearing.

Therefore, the Respondent’s Motion to Dismiss is hereby **granted without prejudice**.

So ordered, this the 7th day of April, 2025.

David P Daves

David P Daves, Ph.D.
Due Process Hearing Officer