

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
25 EDC 03299

█ by parent of guardian █ Petitioner, v. South Pine Academy Board of Education Respondent.	FINAL DECISION ORDER OF DISMISSAL
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THIS MATTER comes before the undersigned Administrative Law Judge upon Respondent's Motion to Dismiss Petition filed on September 29, 2025. The Undersigned has reviewed Respondent's Motion to Dismiss, Petitioner's Response to the Motion to Dismiss, filed on October 10, 2025, and the Petition filed on September 11, 2025. For good cause shown, the motion should be **GRANTED** as follows:

1. Petitioners' claim for damages will be dismissed without prejudice, as compensatory damages are not available under the Individuals with Disabilities Education Act. *See Sellers v. Sch. Bd.*, 141 F.3d 524, 528 (4th Cir. 1998).
2. The remaining claims, including Petitioner's claim for private placement, will be dismissed with prejudice, as the Petition reveals the absence of facts sufficient to support a claim under the Individuals with Disabilities Education Act.

NOTICE OF APPEAL RIGHTS

In accordance with the Individuals with Disabilities Education Act and North Carolina's Education of Children with Disabilities laws, the parties have appeal rights regarding this Final Decision.

Any party aggrieved by the findings and decision of an Administrative Law Judge may under N.C. Gen. Stat. § 115C-109.6 institute a civil action in State court within thirty (30) days after receipt of the notice of the decision or under 20 U.S.C. § 1415 a civil action in federal court within ninety (90) days after receipt of the notice of the decision.

Because the Office of Administrative Hearings may be required to file the official record in the contested case with the State or federal court, a copy of the Petition for Judicial Review or Federal Complaint must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely preparation of the record.

STAY OF FINAL DECISION

This Final Decision is immediately enforceable by the State Board of Education and remains in effect until the party aggrieved moves the reviewing court for a Stay of the Final Decision and the reviewing court grants the Stay pursuant to N.C. Gen. Stat. § 150B-48.

SO ORDERED.

This the 22nd day of October, 2025.



David F Sutton
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 N.C. Admin. Code 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center which will subsequently place the foregoing document into an official depository of the United States Postal Service.



Parent

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This the 22nd day of October, 2025.

A handwritten signature in blue ink that reads "Melissa Boyd".

Melissa Boyd
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