

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

KESHA R. HUDSON-HARRIS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-00245-TWP-DML
)	
BOARD OF SCHOOL COMMISSIONERS)	
OF THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

ORDER OF DISMISSAL

This matter is before the Court pursuant to its Entry on Defendant’s Motion for Judgment on the Pleadings ([Filing No. 25](#)), wherein the Court granted Defendant Board of School Commissioners of the City of Indianapolis’s (“School Board”) Motion for Judgment on the Pleadings ([Filing No. 14](#)). In its February 15, 2017 Order, the Court dismissed without prejudice Plaintiff Kesha R. Hudson-Harris’s (“Hudson-Harris”) Complaint, which asserted a claim for violations of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., (“IDEA”), regarding her son’s public school educational experience. In dismissing her Complaint without prejudice, the Court provided Hudson-Harris thirty days to file an amended complaint to allege that she had pursued and exhausted the necessary administrative remedies or to allege that pursuing such required administrative remedies would have been futile or inadequate ([Filing No. 25 at 7](#)). The Court noted that “[i]f nothing is filed, the dismissal will convert to one with prejudice and final judgment will issue.” *Id.*

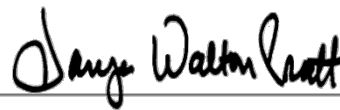
More than thirty days have passed since the Court’s Order, and Hudson-Harris has not filed an Amended Complaint. However, on February 23, 2017, Hudson-Harris filed a “Response” to the Court’s Order and provided an exhibit which show Hudson-Harris has now initiated

administrative procedures. ([Filing No. 26-1](#)). Hudson-Harris also filed a supplement to her exhibit on March 17, 2017, showing that preconference hearings have been held and are ongoing ([Filing No. 28-1](#)). Hudson-Harris initiated the administrative procedure by filing a due process hearing request with the Indiana Department of Education on February 14, 2017 ([Filing No. 28-1 at 19](#)). The School Board replied to Hudson-Harris's "Response" by asserting that Hudson-Harris's filings confirm that dismissal with prejudice is now appropriate because she has not exhausted the necessary administrative remedies and has not shown that the administrative procedure is futile as she is currently pursuing that process.

The Court determines that dismissal of this action with prejudice is appropriate in light of the fact that Hudson-Harris initiated the administrative procedure on February 14, 2017, and that process is still ongoing. Hudson-Harris has not exhausted her administrative remedies, and the Court must allow the pending administrative procedure to run its course. Therefore, the prior dismissal without prejudice is converted to a dismissal with prejudice, and final judgment will issue under separate order.

SO ORDERED.

Date: 3/23/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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