

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

A. S., a minor, et al.,	:	CIVIL ACTION
	:	NO. 13-2312
Plaintiffs,	:	
	:	
	:	
v.	:	
	:	
WILLIAM PENN SCHOOL DISTRICT,	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW**, this **10th** day of **April, 2014**, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** as follows:

- (1) Defendant's Motion to Dismiss (ECF No. 10), which the Court has treated as a Motion for Summary Judgment in accordance with Federal Rule of Civil Procedure 12(d), is **GRANTED**;
- (2) Defendant's Motion to Strike (ECF No. 10) is **DENIED as moot**;
- (3) Plaintiffs' Motion for Extension of Time (ECF No. 23) is **GRANTED nunc pro tunc**;
- (4) Plaintiffs' Motion to Amend Reply (ECF No. 31) is **GRANTED**;
- (5) Plaintiffs' substantive claims under the IDEA are **DISMISSED without prejudice** for failure to exhaust;

(6) Plaintiffs' due process and procedural IDEA claims regarding the due process hearing held on January 23, 2013, are **DISMISSED with prejudice**; and

(7) The clerk shall mark the case **closed**.

It is further ordered that Defendant's Motion for Sanctions (ECF No. 15) is **DENIED**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.