

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

YOSEMITE UNIFIED SCHOOL  
DISTRICT, MADERA-MARIPOSA  
SELPA, AND MADERA COUNTY  
OFFICE OF EDUCATION

OAH CASE NO. 2011090489

ORDER GRANTING SELPA'S AND  
COE'S MOTION TO BE DISMISSED  
AS PARTIES

DISCUSSION

Student filed a request for due process (complaint) with the Office of Administrative Hearings on September 13, 2011. Student named the Yosemite Unified School District (District), the Madera-Mariposa Special Education Local Plan Area (SELPA), and the Madera County Office of Education (COE) as respondents. In his complaint, Student alleges that at individualized education program (IEP) meetings convened by the District in January and August 2011, the District failed to offer him an individualized educational program that would address his unique needs. Although Student indicates in his complaint that a number of District employees participated in the IEP meetings, there is no indication that any SELPA or COE employee was present or otherwise participated.

On September 28, 2011, the SELPA and the COE filed a joint motion to be dismissed as parties to Student's complaint. Both entities contend that they are not the educational agencies that provide educational services to Student and both contend that they have never done so. The SELPA and the COE also state that Student has failed in his complaint to allege that either of them took any action or failed to take any action with regard to Student's education or his identification as child with possible special needs.

Student has not filed an opposition or otherwise replied to the SELPA's and COE's motion.

APPLICABLE LAW

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a

school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs.” (Ed. Code, §§ 56500 and 56028.5.)

In this case, Student’s complaint fails to make any reference to either the SELPA or the COE. All allegations in his complaint, including the description of the individuals present at the two IEP meetings referenced in the complaint, pertain to the District. There is thus no indication that the SELPA or the COE have had any involvement in issues relating to the provision of educational services to Student or with any decision made regarding Student’s eligibility for special education programs or services.

The motion of the SELPA and the COE to be dismissed as parties is therefore granted. This matter shall proceed only as to the District.

ORDER

The SELPA’s and the COE’s motion to be dismissed as parties to this action is granted. This case shall proceed as scheduled only as to the Yosemite Unified School District.

Dated: October 7, 2011

/s/  
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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings