

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011110753

v.

REDLANDS UNIFIED SCHOOL DISTRICT
AND EAST VALLEY SPECIAL
EDUCATION SPECIAL EDUCATION
LOCAL PLAN AREA,

REDLANDS UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012010898

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING EAST VALLEY
SPECIAL EDUCATION SPECIAL
EDUCATION LOCAL PLANNING
AREA'S MOTION TO DISMISS

On November 21, 2011, Student filed a Request for Due Process Hearing (complaint) against the Redlands Unified School District (District) and East Valley Special Education Local Plan Area (SELPA), in Office of Administrative Hearings (OAH) case number 2011110753.

On February 7, 2010, the SELPA filed a Motion to Dismiss, alleging that it is not a proper party because it is not a public agency responsible for or involved in providing special education services to Student. OAH received no response to the Motion to Dismiss from Student.

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.)

DISCUSSION

Student's complaint does not contain any allegations that the SELPA is responsible for providing Student with special education services, that the SELPA provided Student with any special education services or that the SELPA was involved in the decision making process. Accordingly, the SELPA's Motion to Dismiss is granted as it is not an appropriate party to this action.

ORDER

The SELPA's Motion to Dismiss is granted. The SELPA is dismissed as a party in OAH case number 2011110753, and that matter will proceed as scheduled against the District.

Dated: February 14, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings