

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT AND SOUTHWEST SELPA

OAH CASE NO. 2012030909

ORDER GRANTING MOTION TO
DISMISS

On March 23, 2012, Student filed a request for due process hearing (complaint) naming Inglewood Unified School District and Southwest Special Education Local Plan Area (SELPA) as respondents. The complaint defined both District and SELPA within the collective defined term “District,” and thus included SELPA in all substantive allegations. However, the complaint did not specify how or if SELPA was involved in Student’s educational program. On March 28, 2012, SELPA filed a Motion to be dismissed, arguing that it was not a proper party to the matter. On April 2, 2012, Student opposed the Motion. Student argued that the Notes from one of Student’s individualized educational programs (IEP’s) state that “someone from SELPA to do Transition and Vocational Assessment,” and argued that the extent of SELPA’s involvement should be determined at the due process hearing.

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.) Here, Student’s complaint alleges no facts that SELPA was involved in any decisions regarding Student or provided special education or related services to him. Therefore absent any such allegations, SELPA is not a proper party and shall be dismissed. The matter will proceed as scheduled between the remaining parties.

IT IS SO ORDERED.

Dated: April 04, 2012

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings