

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EL MONTE UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2015080186

ORDER GRANTING MOTION TO
DISMISS

On July 28, 2015, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing (complaint), naming the West San Gabriel Valley Special Education Planning Area and El Monte Union High School District.

The complaint contains three issues, which are all alleged against the SELPA. In fact, the complaint fails to mention El Monte anywhere outside of the caption.

On August 6, 2015, Student requested that the SELPA be dismissed as a party. On August 11, 2015, OAH granted that request and dismissed SELPA as a party.

On August 26, 2015, El Monte filed a Motion to Dismiss, on grounds that the complaint contains no allegations against it.

OAH received no response to the Motion to Dismiss from Student.

DISCUSSION

Parents have the right to present a complaint “with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.” (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) OAH has jurisdiction to hear due process claims arising under the Individuals with Disabilities Education Act. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

In the present matter, the complaint contains no allegations or facts involving El Monte. Since no allegations are being alleged against El Monte, the complaint shall be dismissed.

ORDER

El Monte's Motion to Dismiss is granted. The matter is dismissed

IT IS SO ORDERED.

DATE: September 9, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings