

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION, ARCADIA UNIFIED  
SCHOOL DISTRICT, AND BONITA  
UNIFIED SCHOOL DISTRICT.

OAH Case No. 2016060105

ORDER GRANTING MOTION TO  
DISMISS CALIFORNIA  
DEPARTMENT OF EDUCATION

On May 31, 2016, Student filed a Request for Due Process Hearing (complaint) naming the California Department of Education (CDE), Arcadia Unified School District, and Bonita Unified School District as respondents.

On June 8, 2016, CDE filed a Motion to be Dismissed. On June 14, 2016, Student filed a Notice of Non-Opposition. As discussed below, the Motion is granted.

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.)

CDE is generally responsible for policy-making and adopting rules or regulations detailing how state statutes are to be implemented at the school district level. (Ed. Code, §§ 33030 and 33031, subd. (c).)

DISCUSSION

The complaint contains no facts about CDE, and no indication that it was a responsible public agency involved in any decisions regarding Student. Student does not oppose the motion. Under the allegations presented here, CDE was not a responsible public

agency involved in any decisions regarding Student. Therefore, CDE will be dismissed as a party.

ORDER

California Department of Education is dismissed a party.

IT IS SO ORDERED.

DATE: June 21, 2016

DocuSigned by:

*Jane Lehman*

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MARIAN H. TULLY

Administrative Law Judge

Office of Administrative Hearings