

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND LOS ANGELES
COUNTY MENTAL HEALTH

OAH CASE NO. 2008120692

ORDER GRANTING THE LOS
ANGELES COUNTY DEPARTMENT
OF MENTAL HEALTH'S MOTION TO
DISMISS

On December 19, 2008, Student filed a Request for Due Process Hearing (complaint), naming the Los Angeles Unified School District (District) and the Los Angeles County Department of Mental Health (LACDMH) as the respondents. On January 14, 2009, LACDMH filed a Notice of Insufficiency as to Student's complaint. On January 20, 2009, the Office of Administrative Hearings (OAH) issued an order granting the notice of insufficiency. The order also permitted Student to file an amended complaint within 14 days.

On February 2, 2009, Student filed a first amended complaint which contained only one issue: Did the District and LACDMH deny Student a FAPE by not providing Student with paid monthly parental visits while enrolled in an out-of-state residential treatment facility? Student alleged that monthly parental visits to the residential treatment facility, located in Florida, were necessary, as Student suffers from extreme separation anxiety. Student further alleged that the District and LACDMH should fund the monthly visits so that Student's parent could participate in Student's counseling sessions and assist with Student's emotional well-being.

On March 11, 2009, LACDMH filed a motion to dismiss LACDMH from the proceedings. OAH received no opposition to the Motion to Dismiss from Student or the District.

LACDMH asserts that the responsibilities of the local county mental health agency, as defined in section 60020 of the California Code of Regulations, do not include transportation as a responsibility of the local county mental health agency. As such, LACDMH asserts that there is no factual or legal basis for LACDMH to remain a respondent in this matter. LACDMH is correct.

California Code of Regulations identifies the responsibilities of mental health agencies as follows:

‘Mental health services’ means mental health assessments and the following services when delineated on an IEP...: psychotherapy ...provided to the pupil individually or in a group, collateral services, medication monitoring, intensive day treatment, and case management. These services shall be provided directly or by contract at the discretion of the community mental health service of the county of origin. (California Code of Regulations § 60020, subd. (i).)

The responsibilities for mental health agencies described above do not include funding or reimbursement for pupil and/or parent travel and visitation. Accordingly, LACDMH’s motion to be dismissed from these proceedings is granted.

ORDER

Good cause appearing, LACDMH’s Motion to Dismiss is granted. LACDMH is dismissed as a party in the above-entitled matter. The matter will proceed as scheduled against the remaining respondent, Los Angeles Unified School District.

Dated: March 19, 2009

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings