

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH CASE NO. 2009020083

ORDER GRANTING MOTION TO
DISMISS CALIFORNIA
DEPARTMENT OF EDUCATION AS
A PARTY

On February 02, 2009, Student filed a request for a due process hearing (complaint) naming Los Angeles Unified School District (District) and the California Department of Education (CDE). On February 11, 2009, Katherine Starn Legrand, Deputy General Counsel for CDE, filed a motion to be dismissed as a party. Student did not submit a response.

APPLICABLE LAW AND DISCUSSION

A public education agency involved in any decisions regarding a student may be involved in a due process hearing. (Ed. Code, § 56501, subd. (a).) A public education agency is defined as any public agency, including a charter school, responsible for providing special education or related services. (Ed. Code, §§ 56500, 56028.5.) Education Code sections 56500 and 56501, subdivision (a), establish two requirements for including an entity in a special education due process hearing. First, the entity must be a public agency “providing special education or related services.” (Ed. Code, § 56500.) Second, it must be “involved in any decisions regarding a pupil.” (Ed. Code, § 56501, subd. (a).)

Student does not allege any facts in the complaint establishing that CDE is a public education agency is involved in any decisions regarding Student. All of the factual allegations in the complaint relate to District’s conduct concerning Student’s special education eligibility and program. Accordingly, CDE is not an appropriate party.

ORDER

The motion to dismiss CDE as a party is granted. This matter shall be known as *Parents on behalf of Student v. Los Angeles Unified School District*.

Dated: February 20, 2009

/s/

JUDITH KOPEC
Administrative Law Judge
Office of Administrative Hearings