

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION, MOROVIA UNIFIED
SCHOOL DISTRICT, LOS ANGELES
COUNTY DEPARTMENT OF MENTAL
HEALTH, POMONA UNIFIED SCHOOL
DISTRICT, AND COVINA VALLEY
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010120475

CORRECTED ORDER GRANTING
MOTION TO DISMISS AS TO LOS
ANGELES COUNTY OFFICE OF
EDUCATION, LOS ANGELES
COUNTY DEPARTMENT OF
MENTAL HEALTH, AND POMONA
UNIFIED SCHOOL DISTRICT

On December 13, 2010, Student filed a Request for Due Process Hearing (complaint), naming the above referenced parties as the respondents.

On May 31, 2011, Student filed a Request for Dismissal with prejudice as to Los Angeles County Office of Education and Los Angeles County Department of Mental Health. On June 1, 2011, Student filed a Request for Dismissal with prejudice as to Pomona Unified School District. Student did not specify any grounds in her request. OAH received no response to Request for Dismissal from any party. On June 10, 2011, OAH issued an order on Student's request, erroneously dismissing Los Angeles Unified School District as a party. This Order corrects and supersedes the June 10, 2011 Order.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et. seq.) is to “ensure that all children with disabilities have available to them a free appropriate public education” (FAPE), and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has 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) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a FAPE to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial

responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

DISCUSSION

In the present matter, Student requests that the allegations against Los Angeles County Office of Education, Los Angeles County Department of Mental Health, and Pomona Unified School District, relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child, be dismissed. In application of the authority cited above, in which Student seeks no further remedy from those parties, and there being no opposition, cause exists to grant Student's request.

ORDER

1. The June 10, 2011 Order Granting Motion to Dismiss is vacated and superseded by this Order.

2. Student's Motion to Dismiss as to Los Angeles County Office of Education, Los Angeles County Department of Mental Health, and Pomona Unified School District is granted and they are dismissed as parties in the above-entitled matter. The matter will proceed as scheduled against the remaining parties.

IT IS SO ORDERED.

Dated: June 15, 2011

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings