

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

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 Unified School District 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.

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 Unified School District, 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

Student's Motion to Dismiss as to Los Angeles Unified School District, 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 10, 2011

/s/

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DEBORAH MYERS-CREGAR  
Administrative Law Judge  
Office of Administrative Hearings