

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT, LOS ANGELES COUNTY
OFFICE OF EDUCATION, AND
OPPORTUNITIES UNLIMITED
CHARTER HIGH SCHOOL

OAH CASE NO. 2011020297

ORDER GRANTING MOTION TO
DISMISS PARTY

On February 22, 2011, Parent on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming the Los Angeles Unified School District (LAUSD), the Los Angeles County Office of Education (LACOE), and Opportunities Unlimited Charter High School (Opportunities) as respondents.

On March 7, 2011, LACOE filed a Motion to Dismiss LACOE as a party to the complaint, alleging that LACOE was not the authorizing entity for Opportunities during Student's period of attendance at Opportunities.

OAH received no responses to the Motion to Dismiss from Student or the other two respondents.

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.)

DISCUSSION

In this matter Student alleges that he was denied a free appropriate public education (FAPE) during the 2008-2009 school year while he attended Opportunities Unlimited Charter High School. Student also alleges that a current website (2011) indicates that

LACOE is the authorizing entity for Opportunities. LACOE has produced its contract with Opportunities, which indicates LACOE did not assume responsibility or authority for Opportunities until July 7, 2009. Prior to that date, including the 2008-2009 school year, LAUSD maintained responsibility for the charter school.

ORDER

Los Angeles County Department of Education's Motion to Dismiss itself as a party to this complaint is granted. LACOE is dismissed as a party in the above-entitled matter. The matter will proceed as scheduled against the remaining parties.

IT IS SO ORDERED.

Dated: March 14, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings