

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011090432

ORDER GRANTING DISTRICT'S
PARTIAL MOTION TO DISMISS

On September 14, 2011, Student filed a Request for Due Process Hearing (complaint). One of the proposed resolutions requested was an award of attorneys' fees. On September 23, 2011, District filed a Partial Motion to Dismiss, seeking dismissal of that proposed resolution. OAH has received no opposition. As discussed below, the motion is granted, and the request for attorneys' fees is dismissed.

ANALYSIS

An award of reasonable attorney's fees to the prevailing parent, guardian, or pupil, as the case may be, may only be made either with the agreement of the parties following the conclusion of the administrative hearing process or by a court of competent jurisdiction. (Ed. Code, § 56507, subd. (b)(1).) Absent District's agreement, OAH does not have jurisdiction to award attorney's fees. Therefore, District's motion is granted.

ORDER

Proposed Resolution number 4 in Student's complaint, seeking an award of attorneys' fees, is dismissed.

Dated: September 30, 2011

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings