

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT AND SOUTH  
ORANGE COUNTY SPECIAL  
EDUCATION LOCAL PLAN AREA.

OAH CASE NO. 2009110619

ORDER GRANTING MOTION TO  
DISMISS PARTY

On November 19, 2009, Parent, (Parent) on behalf of Student (Student), filed a Request for Due Process Hearing (Complaint) against Saddleback Valley Unified School District (District), and the South Orange County Special Education Local Plan Area (SELPA).

On November 30, 2009, attorney David C. Larsen, on behalf of the SELPA, filed a motion to dismiss. On December 2, 2009, Student filed a response.

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. Cod, §§ 56500 and 56028.5.)

DISCUSSION

In the present matter, Student’s complaint does not contain allegations that SELPA provided any services to Student, was involved in any assessment of Student, or participated in the development of the individualized educational programs (IEPs) listed in the complaint. Student contends that SELPA is an appropriate party because of its supervisory role to ensure that districts within its planning area provide students with an appropriate education and because Student’s IEPs are on forms prepared by SELPA.

Student presents no evidence that SELPA was responsible to provide Student, or provided him with, any special education services. As such, the SELPA is not a public agency involved in any decisions regarding Student. Therefore, SELPA is not a proper party to this action and its motion to dismiss is granted.

ORDER

SELPA's motion to dismiss is granted. The matter will proceed as scheduled against the Saddleback Valley Unified School District.

Dated: December 17, 2009

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/s/

Lisa O'Brien  
Administrative Law Judge  
Office of Administrative Hearings  
Special Education Division