

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012010631

ORDER DISMISSING THE COUNTRY  
SCHOOL AS A PARTY

On January 23, 2012, Parents, on behalf of Student, filed a Request for Due Process Hearing (complaint), naming the Los Angeles Unified School District (District) and The Country School as respondents.

The text of the complaint articulated civil claims outside the scope of the Individual with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400, et seq.) against The Country School, a school designated as private on the Superintendent of Public Instruction's California School Directory.

On January 31, 2012, the Office of Administrative Hearings (OAH) served an Amended Scheduling Order and Notice of Due Process Hearing and Mediation adding The Country School as a party to these proceedings. Adding The Country School was an error because OAH has no jurisdiction over it. This Order dismisses The Country School as a party for lack of jurisdiction.

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.)

Because The Country School is not a public agency, and no claim of violation of the IDEA is made against it, the OAH has no jurisdiction over The Country School or any claim against it for purposes of an IDEA due process hearing or mediation. Accordingly, The Country School must be dismissed because it is not a proper party in this action.

ORDER

1. The Country School is dismissed as a party to this proceeding.
2. The matter will proceed as scheduled against respondent Los Angeles Unified School District only.

IT IS SO ORDERED.

Dated: February 27, 2012

/s/

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings