

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SONOMA VALLEY UNIFIED SCHOOL
DISTRICT AND SONOMA COUNTY
SELPA.

OAH CASE NO. 2014020691

ORDER GRANTING MOTION TO
DISMISS SONOMA COUNTY
SPECIAL EDUCATION LOCAL PLAN
AREA AS A PARTY

On February 18, 2014, Student, through his attorney, filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH) the Sonoma Valley Unified School District (Sonoma Valley) and the Sonoma County Special Education Local Planning Area (SELPA).

On February 20, 2014, OAH received SELPA's Motion to Dismiss it as a party (motion), alleging that it was not the responsible public agency in this matter. Neither Student nor Sonoma Valley filed a response to SELPA's motion.

On February 26, 2014, the undersigned ordered both Sonoma Valley and Student to submit their respective responses, supported by sworn declarations, to SELPA's motion on or before March 3, 2014. As ordered, the requested responses must: 1) provide information regarding the entity that is responsible for providing transportation services to Student; 2) address the question of whether SELPA is, or has been involved in, or otherwise responsible for the provision of special education and related services to Student; and 3) address the question of whether or why SELPA is a proper party in this matter.

On March 3, 2014, Sonoma Valley filed its response. In the response, which is supported by the sworn declaration of its Director of Student Services, Nanci Mathison, Sonoma Valley indicated that it is, and has been responsible for providing special education and related services to Student including transportation. As such, Sonoma Valley contends that SELPA is not a proper party in this matter and should be dismissed. No response was received from Student.

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, while Student contends that SELPA denied him a free appropriate public education (FAPE) by discontinuing his transportation services, the complaint does not contain any allegations against SELPA regarding the disputed transportation services, or that SELPA was involved in any decision to discontinue transportation services to Student. Based on SELPA’s motion and Sonoma Valley’s response thereto, and as supported by the sworn declarations of Catherine Conrado (SELPA Director) and Nanci Mathison (Sonoma Valley’s Director of Student’s Services), SELPA is not the local educational agency responsible for providing special education or related services to Student. It has not provided any service to Student at any time.

In its response to SELPA’s motion, Sonoma Valley admitted being responsible for the provision of the disputed transportation services to Student. Accordingly SELPA is not a proper party in this matter.

ORDER

The SELPA’s Motion to Dismiss it as a party is granted. The matter will proceed as scheduled against Sonoma Valley.

IT IS SO ORDERED.

DATE: March 6, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings