

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHICO UNIFIED SCHOOL DISTRICT
AND CHICO COUNTRY DAY SCHOOL.

OAH CASE NO. 2014050137

ORDER GRANTING DISTRICT'S
MOTION TO DISMISS

On May 9, 2014, Chico Unified School District (District) filed a motion to be dismissed as a party (Motion). District contends that Chico Country Day School (Charter), the school Student attends, is its own local educational agency pursuant to its charter, that only Charter is responsible for any special education and related services for Student and District therefore should be dismissed as a party to this case.

On May 14, 2014, Student filed an opposition. Student contends that, as stated in the due process hearing request, District has the authority and responsibility to provide oversight of Charter's compliance with federal law related to students with disabilities and therefore is a proper party to this case.

Notably, Charter did not file an opposition to District's Motion, which would have been expected if Charter believed District shared liability to Student.

On May 16, 2014, District filed a reply to Student's opposition.

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.)

Student's complaint alleges that during the disputed time frame, Student attended Charter. District has offered undisputed evidence that Charter is a self-contained local educational agency and has assumed responsibility for providing special education services to all students enrolled at Charter, regardless of their district or county of residence. District's oversight referenced in the charter application does not make it a public agency that provides special education and related services to Student. District therefore is not a proper party to this case.

ORDER

Chico Unified School District is dismissed as a party from this matter.

DATE: May 16, 2014

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings