

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL DISTRICT
AND CALIFORNIA DEPARTMENT OF
EDUCATION.

OAH Case No. 2015120616

ORDER GRANTING CALIFORNIA
DEPARTMENT OF EDUCATION'S
MOTION TO DISMISS

On December 11, 2014, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings, naming Ventura Unified School District and California Department of Education.

On December 22, 2015, California Department of Education filed a Motion to Dismiss, alleging that it was not a responsible public agency as Student's allegation against it does not concern the provision of special education. OAH received no response to the Motion to Dismiss/Request for Dismissal from Student or Ventura.

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 the present matter, Student alleged that the California Department of Education improperly listed on its website Student's school as a neglected and delinquent school. Student requested that the California Department of Education update its website as to the correct status of Student's school. In contrast, Student's three issues against Ventura do involve special education and related services as the allegations involve Student's individualized educational program and notice before Ventura changes Student's IEP. While

Student's allegations against Ventura involve the provision of special education and related services, Student's claim against the California Department of Education do not, as the website listing does not involve the provision of special education and related services to Student. Therefore, the California Department of Education is dismissed as a party.

ORDER

The California Department of Education's Motion to Dismiss is granted. The California Department of Education is dismissed as a party in the above-entitled matter, and the matter will proceed as scheduled against the remaining party, Ventura Unified School District.

IT IS SO ORDERED.

DATE: January 19, 2016

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings