

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT; BARACK OBAMA CHARTER
SCHOOL; AND EL DORADO COUNTY
CHARTER SPECIAL EDUCATION
LOCAL PLAN AREA.

OAH CASE NO. 2014060006

ORDER GRANTING MOTION TO
DISMISS THE EL DORADO COUNTY
CHARTER SPECIAL EDUCATION
LOCAL PLAN AREA

On May 29, 2014, Student's parent on behalf of Student filed a request for a due process hearing (complaint), naming the Los Angeles Unified School District, the Barack Obama Charter School, and the El Dorado County Charter Special Education Local Plan Area (SELPA) as the respondents.

On June 9, 2014, the SELPA filed a motion to be dismissed on the basis that the Barack Obama Charter School, not the SELPA, is the local educational agency that actually provided the educational services to Student.

OAH received no response to the motion to dismiss from any party.

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.) Although a special education local plan area is a type of agency that may fit the definition of "public agency," to be a proper party for a due process hearing it must also be involved in decisions regarding a pupil and/or be providing special education and related services to the pupil.

DISCUSSION

In the present matter, Student has alleged no facts to show that the SELPA was involved in any decisions regarding Student or involved in provision of special education or

related services to Student beyond the normal administrative functions of a special education local plan area overseeing local educational agencies. The Barack Obama Charter School is the local education agency responsible for provision of special education and related services to Student. That charter school is already a party to the action. It appears that Student joined the SELPA in the case simply because of its oversight duties, not because of any separate actions it took with respect to this particular pupil.

The local education agency, not the SELPA, is the proper party to this case. The SELPA is properly dismissed from the action.

ORDER

1. The SELPA's motion to be dismissed is granted.
2. The El Dorado County Charter Special Education Local Plan Area is hereby dismissed as a party in the above-entitled matter.
3. The matter will proceed as scheduled against the remaining parties.

IT IS SO ORDERED.

DATE: June 13, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings