

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NORTHERN HUMBOLDT UNIFIED HIGH SCHOOL DISTRICT,
HUMBOLDT COUNTY OFFICE OF EDUCATION, CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY, DEPARTMENT OF
HEALTH CARE SERVICES, CALIFORNIA CHILDREN'S SERVICES,
MEDICAL, DEPARTMENT OF SOCIAL SERVICES, AND IN HOME
SUPPORT SERVICES.

OAH CASE NUMBER 2021070937

ORDER DISMISSING PARTY (CALIFORNIA HEALTH AND
HUMAN SERVICES AGENCY) FOR LACK OF JURISDICTION

SEPTEMBER 27, 2021

On August 20, 2021, Student filed an amended Due Process Hearing Request with the Office of Administrative Hearings, often called OAH. Student named as respondents the California Department of Education, Northern Humboldt Unified High

School District, Humboldt County Office of Education, Humboldt Special Education Local Planning Agency, California Health and Human Services Agency, the Department of Health Care Services, California Children's Services, MediCal, the Department of Developmental Services, Redwood Coast Regional Center, the Department of Social Services, and In Home Support Services. By Order dated September 1, 2021, the California Department of Education was dismissed. By Order dated September 7, 2021, Redwood Coast Regional Center was dismissed. By Orders dated today, September 27, 2021, the Department of Developmental Services and Humboldt-Del Norte Special Educational Local Planning Area were both dismissed.

On September 24, 2021, the California Health and Human Services Agency, called CHHS, filed a request for clarification asking whether it was considered to be a party to this action, given that it was never served with the complaint. The request for clarification is treated as a motion to be dismissed. moved to be dismissed as a party. Student did not file any response to CHHS' Motion to Dismiss.

APPLICABLE LAW

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. OAH has jurisdiction only over claims alleging the Individuals with Disabilities Education Act or California special education laws were violated. Special education due process hearings may involve the parent or guardian, a student, and "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.)

The amended complaint in this case names CHHS as a responsible public agency, but does not allege how CHHS is a public agency over which OAH has jurisdiction. Furthermore, CHHS was never served with the complaint. Student did not file any response to CHHS' request for clarification. For these reasons CHHS is dismissed as a party.

ORDER

Student's due process hearing request against CHHS is dismissed. This matter shall proceed against the remaining respondents as presently scheduled.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings