

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, 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 (DEPARTMENT OF HEALTH
CARE SERVICES) FOR LACK OF JURISDICTION

SEPTEMBER 29, 2021

On August 20, 2021, Student filed an amended Due Process Hearing Request with the Office of Administrative Hearings, 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 September 27, 2021, the Department of Developmental Services, Humboldt-Del Norte Special Educational Local Planning Area, and California Health and Human Services Agency were dismissed.

On September 22, 2021, the Department of Health Care Services, called DHCS, 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, and a continuance. The request for clarification and continuance is treated as a motion to be dismissed. Student did not file any response to DHCS' motion.

APPLICABLE LAW

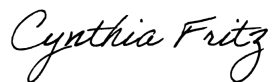
There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. OAH has jurisdiction only over claims alleging the Individuals with Disabilities Education Act or California special education laws were violated. Special education 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 DHCS as a responsible public agency but does not allege how DHCS is a public agency over which OAH has jurisdiction. Furthermore, DHCS was never served with the complaint. Student did not file any response to DHCS' request for clarification and continuance. For these reasons, DHCS is dismissed as a party.

ORDER

Student's due process hearing request against the Department of Health Care Services 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 "Cynthia Fritz".

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings