

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
CHILDREN'S SERVICES, AND DEPARTMENT OF SOCIAL SERVICES.

OAH CASE NUMBER 2021070937

ORDER DISMISSING HUMBOLDT COUNTY OFFICE OF
EDUCATION AND DISMISSING ISSUE 3 OF THE AMENDED
COMPLAINT FOR LACK OF JURISDICTION

OCTOBER 11, 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 September 27, 2021, California Health and Human Services Agency, Humboldt Del Norte SELPA, and Department of Developmental Services were dismissed.

Humboldt County Office of Education, called Humboldt COE, filed a motion to dismiss the amended complaint as to Humboldt COE on October 5, 2021. Humboldt COE claimed that the complaint does not allege facts that Humboldt COE was involved in any decisions related to Student's education, placement, individualized education program or services.

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, called IDEA, 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.)

Student's amended complaint names Humboldt COE only in Issue 3. Issue 3 of the amended complaint alleges claims relating to interagency disputes regarding reimbursement under title 34 Code of Federal Regulations section 300.17(d). OAH has

no jurisdiction over the claims in Issue 3, which do not arise under the IDEA.
Accordingly, Humboldt COE's motion to dismiss itself from the complaint is granted.

Furthermore, Issue 3 of Student's due process hearing request is dismissed as to all remaining parties because OAH does not have jurisdiction over those claims. The matter will proceed as scheduled as to Issue 1 and 2, and as to any remaining parties, unless otherwise ordered.

IT IS SO ORDERED.

Adrienne L. Krikorian

Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings