

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MILPITAS UNIFIED SCHOOL DISTRICT AND CALIFORNIA SCHOOL
FOR THE DEAF, FREMONT.

OAH CASE NUMBER 2021110599

ORDER DISMISSING PARTY

DECEMBER 20, 2021

On November 20, 2021, Student filed a Due Process Hearing Request against Milpitas Unified School District and California School for the Deaf, Fremont with the Office of Administrative Hearings, often called OAH. On December 9, 2021, Student filed a request to dismiss California School for the Deaf as it had been named in error. Neither Milpitas nor California School for the Deaf filed a response.

APPLICABLE LAW

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.)

Here, Student wishes to proceed only as to Milpitas. Student’s request to dismiss California School for the Deaf is granted.

ORDER

California School for the Deaf, Fremont is dismissed as a party. This matter shall proceed against Milpitas as presently scheduled.

IT IS SO ORDERED.

Theresa Ravandi

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Administrative Law Judge

Office of Administrative Hearings