

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

KIPP SOCAL PUBLIC SCHOOL.
OAH CASE NUMBER 2022010280

ORDER DISMISSING LOS ANGELES UNIFIED
SCHOOL DISTRICT AS A PARTY

FEBRUARY 15, 2022

On January 12, 2022, Student filed a Due Process Hearing Request against a charter school Student calls KIPP SOCAL Public School, referred to as Charter, and Los Angeles Unified School District with the Office of Administrative Hearings, called OAH.

On February 9, 2022, Los Angeles Unified filed a motion to be dismissed as a party because it is not providing, or even the local educational agency responsible for providing, Student special education or related services. On February 14, 2022, Charter filed a statement of non-opposition to Los Angeles Unified's motion, admitting that Charter and only Charter is the local educational agency responsible for providing

Student special education or related services during the time period covered by Student's complaint. Student did not file any response to Los Angeles Unified's motion to be dismissed as a party.

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 complaint in this case names Los Angeles Unified School District as a responsible public agency. However, the complaint does not allege how Los Angeles Unified is a public agency over which OAH has jurisdiction in this specific dispute, as Student does not claim Los Angeles Unified denied her a free appropriate public education. Student alleges she resides within Los Angeles Unified, but states no other facts regarding Los Angeles Unified. All factual allegations relating to the issues in the case concern Charter as the responsible local educational agency.

Los Angeles Unified admits it is the entity that authorized Charter, but asserts Charter did not join the Los Angeles Unified School District special education local plan area and instead joined the El Dorado special education local plan area. For its part,

Charter accepts all responsibility for Student's education during the time period covered by the complaint.

ORDER

Student's due process hearing request against Los Angeles Unified is dismissed because OAH does not have jurisdiction over Los Angeles Unified in this case. This matter shall proceed against Charter as presently scheduled.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings