

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NEWHALL SCHOOL DISTRICT, SULPHUR SPRINGS UNION
SCHOOL DISTRICT, AND SANTA CLARITA VALLEY SPECIAL
EDUCATION LOCAL PLAN AREA.

OAH CASE NUMBER 2024071061

ORDER DISMISSING PARTY FOR LACK OF JURISDICTION

SEPTEMBER 20, 2024

On July 31, 2024, Student filed a request for due process hearing, complaint, with the Office of Administrative Hearings, OAH, naming Newhall School District, Sulphur Springs Union School District, and Santa Clarita Valley Special Education Local Plan Area, SELPA. On August 9, 2024, OAH granted Student's request to file a first amended complaint. On August 29, 2024, OAH granted Student's request to file a second amended complaint.

On September 12, 2024, SELPA filed a motion to be dismissed as a party on the grounds that it was not a public agency providing special education or related services

to Student or responsible for making decisions regarding Student's special education program. SELPA supported its motion with a declaration from its executive director, Tracy Peyton-Perry. On September 18, 2024, Student filed an opposition to the motion to dismiss.

The purpose of the Individuals with Disabilities Education Act, IDEA, (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," or FAPE, and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56502, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, a nonprofit public charter school that is not otherwise included as a local educational agency, or any other public agency under the auspices of the state or any

political subdivisions of the state providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

The IDEA requires states to develop programs for ensuring that the mandates of the IDEA are met and that children eligible for special education receive a FAPE. (20 U.S.C. § 1412(a).) California law places the primary responsibility for providing special education to eligible children on the local education agency, called LEA, usually the school district in which the parents of the child reside. (See, e.g., Ed. Code, §§ 48200, 56300, 56340 [describing local educational agency responsibilities], 56344, subd. (c).) The law also contemplates that when a parent disputes the educational services provided to the special needs child, the proper party to the due process hearing request is the local education agency. (See, e.g., Ed. Code, § 56502, subd. (d)(2)(B) [local education agency's response to due process complaint].)

The IDEA defines an LEA, as "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools and secondary schools." (20 U.S.C. § 1401(19)(A); 34 C.F.R. § 303.23(a) (2011).)

Under California law, an LEA means a school district as defined in Education Code section 41302.5 or a charter school that is deemed an LEA under Education Code section 47641. (Ed. Code, § 47640.) Education Code section 41302.5 states school districts include "county boards of education, county superintendents of schools, and direct elementary and secondary level instructional services provided by the state..." (Ed. Code, § 41302.5.)

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations, cases, and parties not within its jurisdiction.

The second amended complaint, referred to as complaint hereafter, alleges that Student resided within Newhall School District's jurisdictional boundaries while the issues alleged in the complaint arose. Student alleges that Newhall School District and Sulphur Springs Union School District were located within the geographical boundaries and members of SELPA while the issues alleged in the complaint arose.

SELPA's oversight of school districts within its area does not make it a local educational agency responsible for the provision of education services to an individual child. Student's complaint does not allege that SELPA had an obligation to assess, provide services or placement, develop or implement IEPs for Student or any other students of its member districts. Allegations that SELPA had a duty to ensure program availability for all children with disabilities within the plan area does not make SELPA responsible for offering or providing Student with a FAPE.

Therefore, Student's complaint does not allege facts sufficient to establish that SELPA is a proper party to this case. Student's complaint does not allege how SELPA is a public agency over which OAH has jurisdiction.

Student's due process hearing request against Santa Clarita Valley Special Education Local Plan Area is dismissed because OAH does not have jurisdiction over it. This matter shall proceed against Newhall School District and Sulphur Springs Union School District as presently scheduled.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings