

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

BISHOP UNIFIED SCHOOL DISTRICT, BIG PINE UNIFIED SCHOOL
DISTRICT, AND INYO COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2024120614

ORDER DISMISSING INYO COUNTY OFFICE OF
EDUCATION AS A PARTY FOR LACK OF JURISDICTION

JANUARY 3, 2025

On December 17, 2024, Parent on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings naming Bishop Unified School District, Big Pine Unified School District, and Inyo County Office of Education, called Inyo. The Office of Administrative Hearings is called OAH.

On December 23, 2024, Inyo filed a motion to dismiss requesting it be dismissed as a party. OAH did not receive a response to the motion to dismiss from Student.

The purpose of the Individuals with Disabilities Education Act, called 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,” 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 Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Special education due process 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, § 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.)

There is no summary judgment procedure in special education cases. OAH will, however, grant motions to dismiss parties that do not fall within OAH’s jurisdiction. OAH has jurisdiction only over claims alleging the IDEA or California special education laws were violated.

Inyo's motion argued that Student failed to state a claim against it for the issues and proposed resolutions set forth in the complaint. Although the complaint names Inyo as a responsible public agency, the complaint does not allege how Inyo is a public agency over which OAH has jurisdiction. Student alleges Inyo conducted occupational therapy and psychoeducational evaluations on October 22, 2024, and a speech-language evaluation on November 1, 2024, but that "the appropriateness of the above evaluations are not at issue in this matter." Other than alleging that Inyo conducted evaluations for Student, the complaint does not state any specific facts asserting that Inyo provided special education and related services or denied Student a free appropriate public education during the period at issue. Therefore, on its face, the complaint fails to state facts establishing OAH has jurisdiction over Inyo in this matter. (Ed. Code, § 56501, subd. (a).) Accordingly, Inyo is dismissed from this matter for lack of jurisdiction.

ORDER

1. Inyo's motion to dismiss it as a party is granted.
2. Inyo is dismissed as a party in the above-entitled action, OAH case number 2024120614.
3. The matter shall proceed as to Bishop Unified School District and Big Pine Unified School District as presently scheduled.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings