BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MT. DIABLO UNIFIED SCHOOL DISTRICT, CONTRA COSTA COUNTY OFFICE OF EDUCATION AND CONTRA COSTA SPECIAL EDUCATION LOCAL PLAN AREA	OAH Case No. 2019030484 ORDER GRANTING MOTION TO DISMISS CONTRA COSTA SPECIAL EDUCATION LOCAL PLAN AREA

On March 12, 2019, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings, naming Mt. Diablo Unified School District, Contra Costa Office of Education and Contra Costa Special Education Local Plan Area.[1]

On March 27, 2019, Contra Costa SELPA filed a Motion to Dismiss, alleging that Contra Costa SELPA is not Student's local educational agency and has no responsibility for providing Student with a free appropriate public education.

OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW AND DISCUSSION

Special education due process hearing procedures extends 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.)

In the present matter, Contra County SELPA is not Student's local educational agency, and has no responsibility for providing Student with a FAPE, nor any allegation made against it. Thusly, Contra Costa SELPA is dismissed as a party to Student's complaint.

[1] Contra Costa County Office of Education motion to dismiss is addressed in a separate order.

ORDER

Contra Costa Special Education Local Plan Area's Motion to Dismiss Contra Costa Special Education Local Plan Area is granted. Contra Costa Special Education Local Plan Area is dismissed as a party in the above-entitled matter. The matter will proceed as scheduled against the remaining parties.

IT IS SO ORDERED.

DATE: March 28, 2019

DocuSigned by:
Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings