BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CRUZ CITY SCHOOLS AND

MISSION HILL MIDDLE SCHOOL.

OAH CASE NUMBER 2020021270

ORDER DISMISSING PARTY FOR LACK OF JURISDICTION

APRIL 3, 2020

On February 26, 2020, Student filed a Due Process Hearing Request against Santa Cruz City Schools and Mission Hill Middle School with the Office of Administrative Hearings, often called OAH.

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 Santa Cruz City Schools and Mission Hill Middle School as responsible public agencies. Mission Hill Middle School is a school within the Santa Cruz City Schools. Santa Cruz City Schools acknowledges it is the local education agency. Further, the complaint does not allege how Mission Hill Middle School, as a separate entity, is a public agency over which OAH has jurisdiction.

ORDER

Student's due process hearing request against Mission Hill Middle School is dismissed because OAH does not have jurisdiction over it. This matter shall proceed against Santa Cruz City Schools as presently scheduled.

IT IS SO ORDERED.

DocuSigned by:
Judith Pasewark
D4B56EDF1903485...

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings