

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VALLEY MOUNTAIN REGIONAL
CENTER.

OAH CASE NO. 2013110146

ORDER GRANTING VALLEY
MOUNTAIN REGIONAL CENTER'S
MOTION TO DISMISS

On October 31, 2013, Student filed with the Office of Administrative Hearings (OAH) a due process hearing request (complaint) naming Lodi Unified School District (District) and Valley Mountain Regional Center (Valley Mountain) as the respondents. On December 16, 2013, the District filed a motion to dismiss it as a party based on a settlement agreement it negotiated with Student concerning a previous OAH complaint. That motion was granted, leaving Valley Mountain as the only respondent.

On December 16, 2013, Valley Mountain filed a request with OAH asking to be removed as a party. This request is deemed to be a motion to dismiss. On December 18, 2013, Student filed a pleading with OAH, which combined its opposition to Valley Mountain's motion to dismiss with a motion to consolidate the instant case with the matter of *Student v. Valley Mountain Regional Center*, OAH Case No. 2013061092, a case filed pursuant Welfare and Institutions Code sections 4700 et seq. Because the instant case is dismissed in its entirety pursuant to this order, the motion for consolidation is moot and will not be ruled upon.

DISCUSSION AND ORDER

OAH is vested with jurisdiction over public agencies, pursuant to Education Code section 56500 et seq., under the Individuals with Disabilities Education Act (IDEA), but not over regional centers, which are subject to hearing procedures pursuant to Welfare and Institutions Code section 4700 et seq. This is the basis for Valley Mountain's motion to dismiss.

As Valley Mountain correctly points out, regional centers, although public agencies, are governed by laws other than the IDEA, and therefore they are not proper parties to an IDEA case. Accordingly, it will be dismissed from this matter. Because the District was previously dismissed, this matter is now dismissed in its entirety, and all dates will be vacated.¹

IT IS SO ORDERED.

Dated: December 27, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ Student is not precluded from filing a new complaint concerning his educational placement for the remainder of the 2013-2014 school year.