

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT & NORTH LOS ANGELES
REGIONAL CENTER.

OAH CASE NO. 2010041382

ORDER GRANTING NORTH LOS
ANGELES REGIONAL CENTER'S
MOTION TO DISMISS

On April 26, 2010, Student filed a Request for Due Process Hearing (complaint) against the Los Angeles Unified School District (District) and North Los Angeles Regional Center (Regional Center).

On May 14, 2010, the Regional Center filed a Motion to Dismiss, alleging that it is not an appropriate party in this matter. Neither the Student nor the District filed a response.

APPLICABLE LAW

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, § 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 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” (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 FAPE 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.)

OAH has jurisdiction over public agencies under the IDEA, pursuant to Education Code section 56500 et seq., but not over regional centers providing services California Early Intervention Services Act (Gov. Code, §§ 95000 et seq.), commonly known as Early Start, created by Part C of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1401, et seq.), which provides services to eligible infants and toddlers from the date of birth until the child's third birthday. (Gov. Code, § 95014.)

DISCUSSION

In the present matter, the Regional Center asserts that it is not an appropriate party because it is not involved in providing special education services to Student. The Regional Center is not a public agency that has provided Student with special education services, or has been involved in decisions about Student's individualized educational program, according to Student's complaint. Therefore, the Regional Center's Motion to Dismiss is granted as is not an appropriate party to this matter.

ORDER

The Regional Center's Motion to Dismiss is granted. The Regional Center is dismissed as a party in the above-entitled matter. The matter will proceed as scheduled against the District.

IT IS SO ORDERED.

Dated: May 25, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings