

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICT AND ALTA CALIFORNIA
REGIONAL CENTER.

OAH Case No. 2015060367

ORDER GRANTING MOTION TO
DISMISS REGIONAL CENTER

On May 18, 2015, Parent on behalf of Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming the Twin Rivers Unified School District and the Alta California Regional Center as respondents.

On May 19, 2015, Regional Center filed a motion to be dismissed as a party. Regional Center asserts that it was not an entity responsible for educational decisions of students with special needs and therefore not obligated to comply with the Individuals with Disabilities Education Act, that it cannot be subject to a due process hearing under the IDEA and California Education Code, and that claims against any regional center must be addressed through the fair hearing process under Welfare and Institutions Code section 4700 et seq.

On May 21, 2015, Student filed an opposition to the motion to dismiss, and Regional Center filed a reply.

APPLICABLE LAW AND DISCUSSION

Special education due process hearings 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.)

Under the Lanterman Act, regional centers are not state/public agencies, but rather are “private nonprofit community agencies . . . utilized by the state for the purpose of operating

regional centers.” (Welf. & Inst. Code, § 4620, subd. (b).) OAH’s Special Education Division is vested with jurisdiction over public agencies, pursuant to Education Code section 56500 et seq., under the IDEA, but not over regional centers, which are subject to fair hearing procedures pursuant to Welfare and Institutions Code section 4700 et seq.

By the foregoing authority, Student’s complaint improperly names Regional Center as a respondent. Therefore, Regional Center’s motion to be dismissed as a party is granted.¹

ORDER

1. Alta California Regional Center’s motion to be dismissed as a party is granted.
2. The matter will proceed as scheduled against the remaining party.

DATE: June 12, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

¹ Dismissal of Regional Center is without prejudice to Student pursuing a fair hearing against Regional Center under Welfare and Institutions Code section 4700 et seq.