BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RINCON VALLEY UNION SCHOOL DISTRICT & REDWOOD CONSORTIUM FOR STUDENT SERVICES	OAH Case No. 2015030342 ORDER DENYING REDWOOD CONSORTIUM'S MOTION TO DISMISS

On April 20, 2015, Student filed a due process complaint (complaint) naming Rincon Valley Union School District and Redwood Consortium for Students as respondents. On January 21, 2014, Redwood Consortium filed a Motion to Dismiss on the basis that it was an improper party to the action. Student opposes Redwood Consortium's motion. Rincon Valley does not oppose Redwood Consortium's motion. On April 22, 2015, Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings issued an Order following Prehearing Conference which allowed the parties until close of business, Thursday, April 23, 2015, to submit any additional evidence or briefing on the issue.

On April 23, 2015, Redwood Consortium filed a Supplemental Response in support of its motion, which contained a declaration from Erika Salazar. On April 23, 2015, Student filed a reply to Redwood's motion to dismiss.

APPLICABLE LAW

Although special education law does not provide a summary judgment procedure, OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (e.g., civil rights claims, section 504 claims, enforcement of settlement agreements, incorrect parties, etc…..), and which are easily provable. Here, the sole issue is whether Redwood Consortium is a proper party, a matter of jurisdiction which is easily provable without a formal summary judgment procedure.

In general, Individuals with Disabilities Education Act due process hearing procedures extend 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.)

DISCUSSION

Redwood Consortium is a consortium made up of eight school districts in Sonoma County which provides special education services. As a member of Redwood Consortium, Rincon Valley contracted with Redwood Consortium as to implement Student's individualized education program as a service provider. In its motion, Redwood Consortium concedes that it meets the definition of "public agency" under Education Code section 56501(a).

Although Redwood Consortium fits the definition of "public agency," in order for it to be considered a proper party for a due process hearing, Redwood Consortium must also be involved in decisions regarding Student. In this case, representatives of Redwood Consortium attended Student's IEP team meetings as team members and participated in making decisions regarding the placement and services being offered to Student. Therefore, the criteria set forth in Education Code sections 56500 and 56028.5 have been satisfied. Accordingly, Redwood Consortium is a proper party to this action and its motion to dismiss is denied.

IT IS SO ORDERED.

Dated: April 27, 2015

/s/
B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings