

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT; WALNUT VALLEY UNIFIED
SCHOOL DISTRICT; AND ALTA
CALIFORNIA REGIONAL CENTER.

OAH Case No. 2015030166

ORDER GRANTING MOTION TO
DISMISS ALTA CALIFORNIA
REGIONAL CENTER

On February 27, 2015, Student filed a Request for Due Process Hearing (complaint), naming Sacramento City Unified School District as the respondent. On June 22, 2015, Office of Administrative Hearings granted Student's Motion to Amend the Due Process Hearing Request.

On July 7, 2015, Student filed a motion to file a second amended complaint naming Sacramento City, Alta California Regional Center, and Walnut Valley Unified School District as respondents. On July 15, 2015, OAH granted Student's motion and Walnut Valley and Alta were added as respondents.

On July 17, 2015, Alta filed a Motion to Dismiss, asserting that it is an improper party to Student's due process case for multiple reasons and that claims against Alta must be addressed through the fair hearing process under Welfare and Institutions Code section 4700 et seq.

On July 27, 2015, Student filed an opposition to Alta's motion. Walnut Valley did not file a response to Alta's motion.

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. and the IDEA. Since regional centers are not considered public agencies, the special education due process hearing process is not the proper venue for addressing claims against regional centers. Claims involving regional centers are subject to fair hearing procedures pursuant to Welfare and Institutions Code section 4700 et seq. Accordingly, Alta is dismissed as a respondent in this matter.

ORDER

1. Alta’s Motion to Dismiss is granted.
2. Alta is dismissed as a party in the above-entitled matter, and its name is stricken from the caption.
3. The matter will proceed as scheduled against the remaining parties.

DATE: July 28, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings