

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CALIFORNIA DEPARTMENT OF EDUCATION, NORTHERN
HUMBOLDT UNIFIED SHIGH SCHOOL DISTRICT, HUMBOLDT
COUNTY OFFICE OF EDUCATION, HUMBOLDT SPECIAL
EDUCATION LOCAL PLANNING AGENCY, CALIFORNIA HEALTH
AND HUMAN SERVICES AGENCY, DEPAETMENT OF HEALTH
CARE SERVICES, CALIFORNIA CHILDREN'S SERVICES, MEDICAL,
DEPARTMENT OF DEVELOPMENTAL SERVICES, REDWOOD COAST
REGIONAL CENTER, DEPARTMENT OF SOCIAL SERVICE, AND
IN HOME SUPPORT SERVICES.

OAH CASE NUMBER 2021070937

ORDER DISMISSING PARTY FOR LACK OF JURISDICTION

SEPTEMBER 7, 2021

On August 20, 2021, Student filed an amended Due Process Hearing Request against Redwood Coast Regional Center, and other respondents, with the Office of Administrative Hearings, often called OAH.

On August 30, 2021, Redwood Coast Regional Center filed a Motion to Dismiss Petitioner's Amended Complaint. Redwood Coast Regional Center requested to be dismissed as a party to the due process proceeding.

APPLICABLE LAW

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. OAH has jurisdiction only over claims alleging the Individuals with Disabilities Education Act or California special education laws were violated. Special education due process hearings may involve the parent or guardian, a student, and "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 complaint in this case names Redwood Coast Regional Center as a responsible public agency. The complaint does not allege how Redwood Coast Regional Center is a public agency over which OAH has jurisdiction. In Student's response to Redwood Coast Regional Center's motion to dismiss, Student alleges claims against Redwood Coast Regional Center under the Lanterman Act. OAH's special education division does not have jurisdiction under the IDEA to adjudicate violations of the Lanterman Act. Nothing in this order prevents Student from filing a case alleging violations of the Lanterman Act with OAH's general jurisdiction division.

ORDER

Student's due process hearing request against Redwood Coast Regional Center is dismissed. This matter shall proceed against the remaining respondents as presently scheduled.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings