

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NORTHERN HUMBOLDT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021110695

ORDER DISMISSING REDWOOD COAST REGIONAL
CENTER FOR LACK OF JURISDICTION

DECEMBER 10, 2021

On November 23, 2021, Student filed a Due Process Hearing Request naming Redwood Coast Regional Center and Northern Humboldt Union High School District with the Office of Administrative Hearings, referred to as OAH.

On December 6, 2021, Redwood Coast Regional Center filed a motion to dismiss itself as a party. On December 9, 2021, Northern Humboldt Union High School District and Student filed oppositions.

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.)

Local educational agencies are required to ensure all individuals with special needs have an offer of a free and appropriate public education. Special education services for students are required when specialized instruction is necessary to ensure the individual makes educational progress, as referenced by the Education Code Section 56340.

Regional centers are required to assist individuals with developmental disabilities and their families in securing those services and supports which maximize opportunities and choices for living, working, learning and recreating in the community as referenced by the Welfare and Institutions Code 4640.7.

The complaint in this case names Redwood Coast Regional Center as a responsible public agency. While Student's complaint alleges the named parties may have parallel responsibilities to Student, it acknowledges that regional centers have a legal responsibility separate from school districts. Moreover, the complaint does not

allege how Redwood Coast Regional Center is a public agency over which OAH has jurisdiction.

ORDER

The due process hearing request against Redwood Coast Regional Center is dismissed because OAH does not have jurisdiction over it. This matter shall proceed against Northern Humboldt Union High School District as presently scheduled.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings