

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010050350

ORDER GRANTING FRANK D.  
LANTERMAN REGIONAL CENTER'S  
MOTION TO DISMISS

On May 13, 2010, Student filed a Request for Due Process Hearing (complaint) against the Glendale Unified School District (District) and Frank D. Lanterman Regional Center (Regional Center).

On May 17, 2010, District filed a Notice of Insufficiency which was granted, in part, on May 24, 2010, and Student was given 14 days thereafter to file an amended complaint.

On June 9, 2010, the Regional Center filed a Motion to Dismiss, alleging that it is not an appropriate party in this matter. Also on June 9, 2010, Student filed his amended complaint, which was accompanied by a letter from Parent agreeing that the Regional Center should be dismissed from this action. The District did not file a response.

APPLICABLE LAW

Special education due process hearing procedures 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.)

Regional centers provide services under the California Early Intervention Services Act, commonly known as Early Start, to eligible infants and toddlers from the date of birth until the child's third birthday in connection with Part C of the IDEA. (20 U.S.C. § 1431, et seq., Gov. Code, § 95014.) In addition, regional centers provide services under the Lanterman Act (Welf. & Inst. Code § 4400 et seq., 4512) for developmentally disabled infants, toddlers, children and adults who qualify with specified disabilities. Those services generally do not involve the provision of special education and related services.

## DISCUSSION

In the present matter, Student, who is in eighth grade, has described problems with the District's special education and related services, including physical education, need for tutoring, speech therapy, and need for translation services. The Regional Center asserts that it is not an appropriate party because it is not involved in providing any special education services to Student but that Student is merely a consumer of developmental disability services of the Regional Center. There is no evidence to the contrary. Student's complaint does not allege that the Regional Center is a public agency that has provided Student with special education services, or has been involved in decisions about Student's individualized educational program. In addition, Student does not oppose the motion. Therefore, the Regional Center's Motion to Dismiss is granted as it is not an appropriate party to this matter.

## ORDER

1. The Regional Center's Motion to Dismiss is granted. The Regional Center is dismissed as a party in the above-entitled matter.
2. Henceforth, this matter will be known as *Parent on behalf of Student v. Glendale Unified School District*.
3. The matter will proceed as scheduled against the District.

Dated: June 23, 2010

/s/

---

LISA O'BRIEN  
Administrative Law Judge  
Office of Administrative Hearings