

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009020629

ORDER CONCERNING PARTIES TO
COMPLAINT

On February 5, 2009, Student filed a request for a due process hearing (complaint), naming Los Angeles Unified School District.¹ In addition, Student named Optimum Bonus.

APPLICABLE LAW AND DISCUSSION

The following may be named as a party in a complaint: a parent; a pupil who has been emancipated; a pupil who is a ward or dependent of the court or for whom no parent or guardian can be identified or located and for whom a proper surrogate parent has not been appointed; and a public agency involved in any decisions regarding a pupil may be named as a party in a complaint. (Ed. Code, § 56501, subd. (a).) A public agency includes a school district, county office of education, special education local plan area, a nonprofit public charter school that is not otherwise included as a local educational agency and is not a school within a local educational agency, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with exceptional needs. (Ed. Code, §§ 56500, 56028.5.)

Student did not cite any authority in the complaint for naming Optimum Bonus in the complaint, and there are no facts in the complaint indicating that Optimum Bonus is an appropriate party to the complaint.

In addition, OAH does not generally open a case with against the individual school, but instead opens the case against the school district.

OAH will open a case file only against Los Angeles Unified School District. IT IS SO ORDERED.

Dated: February 24, 2009

/s/

RICHARD M. CLARK
Administrative Law Judge
Office of Administrative Hearings

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).