

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. 2009020657

ORDER CONCERNING PARTIES TO  
COMPLAINT

On February 17, 2009, Parent on behalf of Student filed a request for a due process hearing (complaint), naming Ana Bonilla.<sup>1</sup>

APPLICABLE LAW

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.)

DISCUSSION

OAH does not usually open a case with an individual as a party, unless the complaint shows that the individual is acting as a public agency involved in decisions regarding the student. Instead, the case is opened with the school district as the party. Since the complaint did not show that Ms. Bonilla was an appropriate party, Los Angeles School District is the appropriate party in this case.

ORDER

OAH will open a case file with Los Angeles Unified School District as the party.

Dated: February 27, 2009

/s/

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JUDITH A. KOPEC

Administrative Law Judge

Office of Administrative Hearings

<sup>1</sup> 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).

