BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: SAN MATEO FOSTER CITY SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2016080688 ORDER DENYING MOTION TO DISMISS MOTHER AS PARTY; DENYING REQUEST TO ENJOIN DISTRICT FROM CALLING MOTHER; AND GRANTING REQUEST TO SERVE MOTHER AT FATHER'S ADDRESS

On August 12, 2016, San Mateo Foster City School District filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming both Parents on behalf of Student.

On September 8, 2016, Mother filed a letter requesting that (1) she no longer receive any mailings at her address and that all mailings instead be sent to the address identified as Father's address; (2) that she no longer be involved in this matter; and (3) that San Mateo no longer call her. Mother cites her work and parenting obligations as the basis for making these requests. Mother's letter is being considered a request that she be dismissed as a party and that San Mateo be barred from contacting her, and a request for a change of address.

San Mateo has not responded to Mother's requests and notification of new address.

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.)

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education", and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a

complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a FAPE to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

DISCUSSION

San Mateo has the right to bring its complaint against both Parents on behalf of Student. Mother provides no legal authority for OAH to dismiss her from this action. While nothing in this order prevents San Mateo from removing Mother as a named party in this action, OAH does not have the authority to dismiss Mother. While Mother is encouraged to participate, Mother is not required to participate even if she is not dismissed from the matter.

Mother is entitled to designate Father's address as the location where she receives all future mailings. Starting with service of this order, OAH will now serve Mother with all future mailings at her newly designated address. San Mateo is encouraged to do so as well.

OAH will continue to call Mother at her designated phone number with important case information and will call her on October 17, 2016, the date of the next prehearing conference, to afford her the opportunity to participate. If Mother wishes to designate Father to act on her behalf in all future appearances and with regard to all future matters in this case, both Parents will need to file a written notification of this with OAH, with proof of service on San Mateo, indicating Mother's intent for Father to serve as her representative in this matter and Father's acceptance of this role. Even so, OAH has no authority to enjoin San Mateo from calling Mother.

ORDER

1. Mother's request to be dismissed from this matter is denied.

2. Mother's request that OAH prevent San Mateo from calling her is denied.

3. Mother's request that OAH serve her with all future mailings at Father's designated address is granted. Mother's address in this matter is now designated as that identified for Father.

IT IS SO ORDERED.

DATE: September 12, 2016

DocuSigned by:
Theresa Ravandi
180B9BDB98E5424...

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings