BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018101215 ORDER GRANTING PARENT'S REQUEST TO HAVE PARENT'S NAME REMOVED FROM CASE

On, October 26, 2018, Student filed a request for a due process hearing (complaint) with the Office of Administrative Hearings naming Manhattan Beach Unified School District. The complaint, filed in Student's name by her attorneys, contained both of Student's parents' names and addresses and alleged Student "resides primarily with her mother." On October 29, 2018, OAH issued a Scheduling Order with the words "Parent(s) on behalf of Student" in the caption of the Order. OAH served the Scheduling Order upon the Superintendent for Manhattan Beach and the attorneys that filed Student's complaint. OAH also mailed courtesy copies of the Scheduling Order to both parents using the names and addresses contained in the complaint. Later that day, attorneys for Manhattan Beach filed notice of representation.

On December 3, 2018, the attorneys representing Student and Manhattan Beach filed a joint request for mediation and to continue the due process hearing. On December 4, 2018, OAH granted the parties' joint request for mediation and to continue the due process hearing. The order was served upon Student's attorneys and the attorneys representing Manhattan Beach.

On December 4, 2018, Father filed a request entitled "Removal of Plaintiff on Behalf of" on the grounds he was not aware of his inclusion in the case until after the matter was filed, was not informed of the case by Mother or the firm representing Student, and he was not represented by Student's counsel nor any attorney in this matter. Father requests that his name "be removed from the OAH case listed above WITHOUT PREJUDICE [emphasis in the original]." Neither Student nor Manhattan Beach submitted a response.

APPLICABLE LAW AND DISCUSSION

Parents have 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).) The IDEA specifically exempts parents from any requirement that they file all possible issues at one time in the same due process complaint. Instead, the IDEA permits a parent to file separate due process complaints on separate issues, even if a due process complaint is already on file. (See 20 U.S.C. § 1415(o); Ed. Code, 56509.)

Here, Student is represented by counsel. Father did not file the complaint and was not named as a party in the complaint. Father has exercised his right not to be named as a "Parent on behalf of [Student]" and to be removed from the case. Accordingly, Father's request to be removed is granted.

IT IS SO ORDERED.

DATE: December 12, 2018

DocuSigned by:
Marian H. Tully
5BE88FB487454FC...

MARIAN H. TULLY
Presiding Administrative Law Judge
Office of Administrative Hearings