BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LOS ALAMITOS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018081156 ORDER DENYING MOTHER'S REQUEST FOR INTERVENTION IN DISTRICT'S CASE

On August 29, 2018, Los Alamitos Unified School District file a request for a due process hearing seeking an order approving the free appropriate public education offer from a series of individualized educational program meetings that culminated on August 27, 2018, and an order permitting Los Alamitos to implement the IEP. On September 29, 2018, Student filed a motion to intervene in District's case. On October 2, 2018, Student filed an addendum to the motion to intervene. On October 4, 2018, Los Alamitos filed an opposition to Student's motion to intervene.

OAH rules and procedures make no provision for a party to seek to intervene in a case and raise new issues. Here, Student seeks to intervene in a District-filed case and raise new issues on behalf of the Student related to stay put and/or free appropriate public education issues, generally.

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].)

Student has the right to file for due process. Student's attempt to intervene is denied.

IT IS SO ORDERED.

DATE: October 04, 2018

DocuSigned by:
Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings