

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. 2010020082

ORDER GRANTING MOTION TO  
ADD PARTY

On February 01, 2010, Student filed a request for a due process hearing (complaint).<sup>1</sup> On February 9, 2010, District filed a motion to add Vaughn Next Century Learning Center (Vaughn School) as a party.

Neither Student nor Vaughn School has submitted an opposition.

APPLICABLE LAW

Regarding joinder of a party, OAH considers the requirements of the Code of Civil Procedure. Under that Code, a “necessary” party may be joined upon motion of any party. Section 389, subdivision (a) of the Code of Civil Procedure defines a “necessary” party as follows:

A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party.

Children with disabilities who attend public charter schools retain all rights under federal and State special education law. (34 C.F.R. § 300.209(a); Ed. Code, § 56145.)]

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<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).

A public education agency involved in any decisions regarding a student may be involved in a due process hearing. (Ed. Code, § 56501, subd. (a).) A public education agency is defined as any public agency, including a charter school, responsible for providing special education or related services. (Ed. Code, §§ 56500, 56028.5.)

## DISCUSSION

Here District requests an order joining Vaughn School, a Charter school in which Student is enrolled. District asserts that Vaughn School is a necessary and indispensable party to Student's claim because it has been and is responsible for providing Student's special education and related services and is involved in the decisions regarding Student's program, placement and services during the relevant time period in Student's complaint.

The Charter Petition attached to the district's motion specifically states that "In the event that a parent or guardian of a student attending Vaught Next Century Learning Center initiates due process proceedings, both Vaughn Next Century Learning Center and the District will be named as respondents."

Finally, District's motion contains a proof of service which purports to show that District served both Student and Vaughn School with the motion on February 9, 2010. Neither Student nor Vaughn School has filed a response to the motion. Based upon District's motion and attached declaration and exhibit the motion is granted.

## ORDER

1. The motion to add Vaughn Next Century Learning Center as a party is granted. Henceforth, this matter shall be known as *Parent on Behalf of Student v. Los Angeles Unified School District and Vaughn Next Century Learning Center*.

2. All scheduled mediation, Prehearing Conference and Due Process Hearing dates will remain on calendar.

IT IS SO ORDERED

Dated: February 24, 2010

/s/

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings