

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. 2010090573

ORDER GRANTING MOTION TO
ADD PARTY

On September 15, 2010, Student filed a request for a due process hearing (complaint) against the Los Angeles Unified School District (LAUSD).¹ On October 27, 2010, LAUSD filed a motion to add the Las Virgenes Unified School District (Las Virgenes) as a party.

Neither Student nor Las Virgenes submitted a response.

APPLICABLE LAW

In considering joinder of a party, OAH looks by analogy to 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.

A public education agency involved in any decisions regarding a student may be made a party to a due process hearing. (Ed. Code, § 56501, subd. (a).) A public education

¹ 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).

agency is any public agency, including a charter school, responsible for providing special education or related services. (Ed. Code, § 56028.5.)

DISCUSSION

Student's complaint alleges that, during the school year (SY) 2008-2009, LAUSD denied her a free appropriate public education (FAPE) while she attended one of its schools. It alleges that Student is at present a resident of Las Virgenes, and for SY 2009-2010 sought a FAPE from Las Virgenes, attending one of its schools for about a month. The complaint also alleges that Student so extensively regressed socially and emotionally during that month that Parents were compelled to find her a private residential placement. The complaint alleges that LAUSD is responsible for "a share" of the compensatory education Student needs. It seeks relief that is related to SYs 2008-2009 and 2009-2010 and would also affect Student's program for SY 2010-2011.

The complaint thus adequately pleads that, during one of the years in question, Las Virgenes was obliged to provide special education and related services to Student, and was involved in decisions affecting her. It appears from the complaint that Las Virgenes has an interest in the subject matter; that the disposition of the action in its absence may as a practical matter impair or impede its ability to protect that interest; and that complete relief cannot be afforded in its absence.

ORDER

1. The motion to add Las Virgenes as a party is granted. This matter shall hereafter be known as *Student v. Los Angeles Unified School District and Las Virgenes Unified School District*.

2. All dates previously set are confirmed.

Dated: November 5, 2010

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings