

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL  
DISTRICT AND SAN DIEGUITO UNION  
HIGH SCHOOL DISTRICT.

OAH CASE NO. 2010090872

ORDER GRANTING MOTION TO  
ADD PARTY

On September 22, 2010, Student filed a Due Process Hearing Request (complaint) against the San Diego Unified School District (SDUSD) and the Dessert Mountain SELPA (SELPA). On November 1, 2010, the Office of Administrative Hearings (OAH) granted Student's motion to add the High Tech High Media Arts (HTH) as a party. On December 1, 2010, OAH granted Student's motion to file a second amended complaint. On December 7, 2010, Student dismissed the SELPA and HTH as parties.

On December 24, 2010, Student filed a motion to add the San Dieguito Union High School District (SDUHSD) as a party, and included a proposed third amended complaint. Neither SDUSD nor SDUHSD submitted a response.

APPLICABLE LAW

A party may amend a complaint only if the hearing officer grants permission, or as otherwise specified. (20 U.S.C. § 1415(c)(2)(E)(i).) The applicable timeline for a due process hearing shall recommence at the time a party files an amended complaint. (20 U.S.C. § 1415(c)(2)(E)(ii).)

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

Education Code sections 56500 and 56501, subdivision (a), establish two requirements for including an entity in a special education due process hearing. First, the entity must be a public agency “providing special education or related services.” (Ed. Code, § 56500.) Second, it must be “involved in any decisions regarding a pupil.” (Ed. Code, § 56501, subd. (a).) Student asserts in the motion to add a party that SDUHSD is an appropriate party due to allegations in the third amended complaint that SDUHSD failed to perform its child find duties when Student attended a private school within the SDUHSD boundaries. Therefore, Student’s motion to add SDUHSD is appropriate as SDUHSD may be a responsible public agency.

## ORDER

1. Student’s motion to add SDUHSD as a party is granted.
2. This matter shall be known as *Parent on Behalf of Student v. San Diego Unified School District and San Dieguito Union High School District*.
3. Pursuant to section 1415(c)(2)(E)(ii), all previously scheduled hearing dates are vacated and the applicable timeline for this due process hearing, including the resolution session, recommences as of the date of this order.

Dated: January 11, 2011

/s/  
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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings