

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GUARDIAN ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION, COMPTON UNIFIED
SCHOOL DISTRICT, AND LOS
ANGELES COUNTY DEPARTMENT OF
MENTAL HEALTH.

OAH CASE NO. 2010101137

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 25, 2010, Guardian on behalf of Student (Student) filed a request for due process (complaint), naming Los Angeles County Office of Education (LACOE), Los Angeles County Department of Mental Health (LACDMH), California Department of Education (CDE) as respondents. On December 7, 2010, OAH granted CDE's motion to be dismissed as a party.

On January 27, 2011, Student filed a motion to amend the complaint to add Compton Unified School District (CUSD). A proposed amended complaint accompanied the motion. LACOE has not filed a response to Student's motion. On January 27, 2011, LACDMH filed a non-opposition to the motion to amend.

APPLICABLE LAW

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)¹ The applicable timeline for a due process hearing shall recommence at the time a party files an amended Complaint. (§ 1415(c)(2)(E)(ii).).

Government Code section 7586, subdivision (c), provides that all hearing requests that involve multiple services that are the responsibility of more than one state department shall give rise to one hearing with all responsible state or local agencies joined as parties.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

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

The proposed new party, CUSD, allegedly provided special education or related services to Student, and was involved in decisions regarding Student's special education placement and services, during the time period outlined in the complaint. CUSD is an appropriate party whose participation in this due process proceeding contributes to judicial economy in resolving the issued amongst the parties.

Good cause having been shown, the motion to amend is granted.

ORDER

1. The motion to amend and add Compton Unified School District as a party is granted and the proposed amended complaint is deemed filed and served as of the date of this order.
2. Pursuant to section 1415(c)(2)(E)(ii), the applicable timeline for this due process hearing, including the resolution session, recommences as of the date of this order.
3. All previously scheduled mediation, pre-hearing conference, and hearing dates are vacated.

Dated: January 31, 2011

/s/

CLIFFORD H. WOOSLEY
Administration Law Judge
Office of Administrative Hearings