

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND MAGNOLIA SCIENCE
ACADEMY #2.

OAH CASE NO. 2011100087

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT
TO ADD PARTY

On October 03, 2011, Student filed a request for a due process hearing (complaint) naming the Los Angeles Unified School District (District) as respondent.¹ On December 2, 2011, Student filed an amended complaint adding Student's charter school, Magnolia Science Academy #2 (Magnolia), as a party. On December 5, 2011, Student's attorney filed a notice of representation and request to add a party. OAH collectively interprets Student's filings as a motion to amend the complaint. Neither District nor Magnolia filed an opposition.

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

As set forth above, the Education Code establishes 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).) As Student's

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).

Charter school, Magnolia meets these requirements. The motion to amend is timely and unopposed. As such, Student's motion to amend the complaint to add Magnolia as a party is granted.

ORDER

1. The motion to add amend the complaint to add Magnolia as a party is granted. This matter shall be known as *Student v. Los Angeles Unified School District and Magnolia Science Academy #2*.

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. Student's attorney shall serve the amended complaint on Magnolia Science Academy #2 immediately upon receipt of this order and shall file a proof of service with OAH.

4. All previously scheduled hearing and mediation dates are vacated. OAH will issue a new scheduling order.

Dated: December 09, 2011

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings