

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

GUARDIAN ON BEHALF OF STUDENT,

v.

TURLOCK UNIFIED SCHOOL DISTRICT  
AND STANISLAUS SPECIAL  
EDUCATION LOCAL PLAN AREA.

OAH CASE NO. 2011120192

ORDER DENYING MOTION TO ADD  
STANISLAUS COUNTY OFFICE OF  
EDUCATION AS A PARTY

On December 6, 2011, Guardian, on behalf of Student, filed a Due Process Request (complaint) against the Turlock Unified School District (District) and Stanislaus Special Education Local Plan Area (Stanislaus SELPA). On December 15, 2011, Student filed a motion to add the Stanislaus County Office of Education (SCOE) as a party.

The District, Stanislaus SELPA and SCOE did not submit a response.

APPLICABLE LAW and DISCUSSION

A party may amend a complaint only if the hearing officer grants permission, or as otherwise specified.<sup>1</sup> (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).)

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).)

While Student contends in his motion that SCOE is a responsible party for providing Student with special education services, the complaint does not contain any factual allegations that SCOE had any responsibility to provide special education services to

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<sup>1</sup> 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).)

Student. If Student wishes to add SCOE as a party, Student needs to file an amended complaint that includes specific allegations against SCOE. Accordingly, Student's motion to add SCOE as a party is denied as the complaint does not contain any factual allegations that SCOE might be a public agency responsible for providing Student with special education services.

ORDER

1. Student's motion to add SCOE as a party is denied.
2. All previously scheduled dates are confirmed.

Dated: January 6, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings