

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2009010602

ORDER GRANTING MOTION TO  
ADD PARTY

On January 23, 2009, Parents on behalf of Student filed with the Office of Administrative Hearings, Special Education Division (OAH) a Request For Due Process – Mediation Requested (Complaint) which named Los Angeles Unified School District (District) as the respondent.

On January 26, 2009, OAH issued a Scheduling Order that set the following dates in the case: a mediation on February 26, 2009, a prehearing conference on March 16, 2009, and a due process hearing on March 20, 2009.

On February 12, 2009, the District filed with OAH a document entitled Respondent Los Angeles Unified School District’s Request To Join Granada Hills Charter High School; Exhibits In Support Thereof. Neither the District nor Granada Hills Charter High School (Granada Hills) has filed a response to the motion.

APPLICABLE LAW

Regarding charter schools, children with disabilities who attend public charter schools retain all rights under federal and state special education law. (34 C.F.R. § 300.209(a) (2006); Ed. Code, § 56145.) 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.)

Regarding joinder of a party, OAH considers the requirements of the Code of Civil Procedure which provides that 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.

## 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).)

These requirements are met in this case as regards the joinder of Granada Hills. The Student’s Complaint alleges that the District has denied Student a free and appropriate public education through the failure to recognize that Student is eligible to receive a special education program. For the time period alleged in the Complaint, Student attended Granada Hills. In fact, Student’s March 2007 IEP provides in pertinent part that the consensus of the “Granada members of the IEP team” is that Student does not meet the eligibility requirements for special education. In addition, Granada Hills’ charter provides that, in the event a student from the charter school is named in a special education due process complaint, then Granada Hills “will be named as a respondent” and “will be responsible for any prospective special education and related services, compensatory education and/or reimbursement awarded in due process based upon an allegation that GHCHS failed to fulfill its responsibilities under the IDEA.” Granada Hills is a public education agency involved in decisions regarding Student’s eligibility for special education services. As a result, Granada Hills is an appropriate party.

Based upon the foregoing, Granada Hills is a necessary party in this case. The District’s request to add Granada Hills as a party is granted and treated as an amendment to the Complaint in order to allow the new party to respond to the Complaint, participate in a resolution meeting, engage in mediation and prepare for a due process hearing.

## ORDER

1. The motion to add Granada Hills Charter High School as a party is granted. Henceforth, this matter shall be known as *Parents, on behalf of Student, v. Los Angeles Unified School District and Granada Hills Charter High School*.

2. All dates currently set are vacated. The applicable timelines for this Request for Due Process – Mediation Requested, including the resolution session, shall recommence as of the date of this Order.

3. The Office of Administrative Hearings shall serve Granada Hills Charter High School with a copy of this Order and the Student’s Request for Due Process – Mediation Requested.

4. OAH shall issue a new scheduling order.

Dated: February 25, 2009

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings