

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST COVINA UNIFIED SCHOOL  
DISTRICT

OAH CASE NO. 2010060393

ORDER GRANTING MOTION TO  
ADD PARTY

On June 09, 2010, Parents on behalf of Student (Student) filed a request for a due process hearing (complaint).<sup>1</sup> On June 23, 2010, West Covina Unified School District (District) filed a motion to name the Los Angeles County Office of Education (LACOE) as a party.

Neither Student nor LACOE submitted a response.

APPLICABLE LAW

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

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

---

<sup>1</sup> 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).

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).) In the instant matter, the District seeks to add LACOE as a body since Student was during all times material, and is, attending a program operated by LACOE and LACOE has been involved in education decisions concerning Student. Additionally, Student, in his complaint, specifically alleges that he has been denied a free and appropriate public education because Student’s Individualized Education Program (IEP) was not implemented appropriately. Therefore, LACOE is a necessary party pursuant to Code of Civil Procedure section 389.

### ORDER

J. 1. The motion to add LACOE as a party is granted. This matter shall be known as Parents, on behalf of Student v. West Covina Unified School District and Los Angeles County Office of Education.

2. All dates previously set are vacated. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

Dated: July 02, 2010

/s/

---

ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings