

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 JAMES JORDAN
CHARTER MIDDLE SCHOOL.

OAH CASE NO. 2009100989

ORDER GRANTING MOTION TO
ADD PARTY

On October 15, 2009, Student filed a request for a due process hearing (complaint) against the Los Angeles Unified School District (LAUSD).¹ On October 23, 2009, the District filed a motion to add the James Jordan Charter Middle School (James Jordan) as a party. On October 28, 2009, Student filed a non-opposition to LAUSD's motion.

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.

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).

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); 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.)

DISCUSSION

Student's complaint involves problems that occurred during the time she attended James Jordan, but Student did not name James Jordan as a party. It is undisputed that James Jordan is a public agency that provided special education services to Student during the period alleged in the Complaint. James Jordan is an independent charter school authorized by LAUSD, and operates under a charter agreement. The James Jordan charter provides that, in the event of a due process hearing involving a student who attended James Jordan, both James Jordan and LAUSD would be named as parties. Thus, James Jordan has an interest in the case such that complete relief could not be accorded to the remaining parties. LAUSD has therefore established that James Jordan is a necessary party to this proceeding.

ORDER

1. LAUSD's motion to add James Jordan as a party is granted. Henceforth, this matter shall be known as *Parent on behalf of Student v. Los Angeles Unified School District and James Jordan Charter Middle School*.

2. The mediation date of December 1, 2009, at 1:30 p.m., the prehearing conference date of December 1, 2009, at 10 a.m., and the hearing date of December 17, 2009, are confirmed.

3. LAUSD shall provide James Jordan with copies of all pleadings and documents filed with OAH in this case.

Dated: November 3, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings