BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT AND VISIONS IN EDUCATION CHARTER SCHOOL.

OAH CASE NUMBER 2020050817

ORDER DENYING MOTION TO AMEND COMPLAINT

JUNE 24, 2020

On May 22, 2020, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Juan Unified School District and Visions in Education Charter School. The Office of Administrative Hearings is referred to as OAH. On June 22, 2020, Student filed an email requesting permission to include two new parties, specifically Folsom Cordova Unified School District and Sacramento City Unified School District as additional parties. OAH treats the email as a motion to amend. On June 23, 2020, San Juan and Visions Charter School filed a Notice of Non-Opposition to the motion.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student failed to attach a proof of service establishing that the motion was served on the two entities Student seeks to add to the pending case. Through the amendment process Student is attempting to file a separate action against Folsom and Sacramento and consolidate it with the pending action against San Juan and Visions Charter School. Student has failed to establish any basis for adjudicating the claims against these four entities in the same case. Student has not established that consolidation furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].) The claims against Folsom are based on conduct which occurred in March 2017 and the claims against Sacramento are based on conduct which occurred in September 2018 and October 2019. In contrast, the claims against San Juan and Visions Charter School are based on conduct in 2020 after Student

began attending Visions Charter School. Therefore, the motion to amend is denied. All dates shall remain on calendar as scheduled.

IT IS SO ORDERED.



Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings