BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010272

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING STUDENT'S SECOND MOTION TO AMEND DUE PROCESS COMPLAINT

MARCH 24, 2025

On March 21, 2025, Administrative Law Judge Claire Yazigi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Madeline Knutson, Attorney at Law, appeared on behalf of Student. Tracy Petznick Johnson, Attorney at Law, appeared on behalf of Capistrano Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S SECOND MOTION TO AMEND

On March 18, 2025, Student filed a second motion to amend Student's complaint. Specifically, Student sought to add an Issue 13 to the complaint which asked whether Capistrano denied Student a FAPE by failing to provide Student's educational records within five days upon written request during the 2024-2025 school year. Capistrano filed an objection to amendment on March 21, 2025.

Capistrano objected to amendment on several grounds. First, Capistrano asserted that the facts giving rise to the new issue were known to Student at the time of the filing of the original complaint, as well as at the time of the first amendment, and could have been asserted then. This assertion was not persuasive, because Student's second amended complaint asserted facts as recent as March 17, 2025, specifically, that counsel for Parents renewed their request for records on that date.

Capistrano also asserted that it had already provided all records responsive to Parents' records request. This assertion is an evidentiary matter and potential defense to be proven at hearing, and was not a persuasive objection to amendment.

Capistrano also asserted that five days had not passed between Parents' most recent request for records on March 17, 2025, and the amended complaint; therefore, Student necessarily could not prove Issue 13 regarding that records request. This assertion, in essence, was a request to deny Student's issue 13 as a matter of law. No summary judgment procedure exists in special education administrative procedure. Capistrano's assertion was not a persuasive objection to amendment.

Capistrano argued that no strong interest in judicial economy would be served by amendment. Specifically, because the records requests involved communication between attorneys, Issue 13 would not overlap with witnesses that would likely be called

for the other issues. This assertion was not persuasive. Weighed against the age of the case and the fact that Issue 13 involved a school year already at issue, the undesigned granted amendment at PHC.

A 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).)

The motion to amend was filed more than five days prior to the due process hearing, was timely. The amended complaint shall be deemed filed on March 21, 2025, the date of the PHC. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

STUDENT'S MOTION TO CONTINUE DUE PROCESS HEARING

Student field a motion to continue due process hearing on March 18, 2025. Capistrano filed a non-opposition to Student's motion to continue that is deemed filed on March 20, 2025. The granting of Student's second motion to amend rendered Student's motion to continue moot.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings