BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

FORTUNA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2019120123

ORDER DENYING MOTION TO AMEND COMPLAINT

FEBRUARY 28, 2020

On December 2, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Fortuna Union High School District. The Office of Administrative Hearings is referred to as OAH. On February 21, 2020, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Fortuna.

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).)

The motion to amend the complaint is not timely because the expedited due process hearing was held on January 8, 9, 10, and 14, 2020, and an expedited decision was issued on January 28, 2020. Student did not provide any legal authority for the granting of a motion to amend a complaint once a hearing has already been convened and decision issued pursuant to the complaint. Therefore, the motion to amend is denied, as untimely. Nothing in this order precludes Student from filing a separate complaint. All dates shall remain on calendar.

IT IS SO ORDERED.

DocuSigned by:
Rita Defilippis
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Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings