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 GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 13, 2025

On January 10, 2025, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Capistrano Unified School District as respondent. The Office of Administrative Hearings is referred to as OAH. On February 11, 2025, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Capistrano filed a non-opposition to Student's motion on February 12, 2025.

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 was filed more than five days prior to the due process hearing, and is timely.

Further, the amended complaint seeks to add an issue regarding an independent psychoeducational evaluation that occurred during the period to be litigated and may bear on the FAPE claims already at issue in the original complaint. Therefore, amendment would serve the interest of judicial economy.

For the above reasons, amendment is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings