BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040200

ORDER GRANTING MOTION TO AMEND COMPLAINT, DENYING MOTION TO DISMISS WITHOUT PREJUDICE AND DENYING MOTION TO CONTINUE THE HEARING WITHOUT PREJUDICE

APRIL 29, 2025

On April 3, 2025, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Laguna Beach Unified School District, with seven enumerated claims and six proposed resolutions. The Office of Administrative Hearings is referred to as OAH.

On April 3, 2025, Laguna Beach filed a Notice of Representation, acknowledging that it received service of Student's complaint.

THE APRIL 3, 2025 FILINGS

In addition to the complaint, on April 3, 2025, Student also filed the following documents with OAH:

- A cover letter;
- A document entitled "Due Process Complaint - Opening Statement" containing four enumerated claims, some of which appear to new or different claims, allegations and proposed resolutions, than what was in the complaint, however, part of the text of the document is cut-off on the right side of the page significantly obscuring some of the claims asserted.
- A Master Exhibit List;
- A document called Exhibit List – Due Process Complaint;
- A document entitled Settlement Timeline Summary (2023-2024); and
- Correspondence with proof of service called "Opening Statement-due process."

OAH does not consider any of these five other documents to be part of Student's complaint. See Order Regrading Notice of No Action on Student's Filings and Order Regarding the Filing of Written Argument and Exhibits.

A complaint must include all of party's claims, allegations and resolutions in a single document. A party cannot add or change allegations, claims or resolutions being asserted against another party through piecemeal or separate filings. Instead, a party must file a motion seeking permission from OAH to amend their complaint. The party seeking permission to amend their complaint must include with that motion, a proposed amended complaint which contains all the claims, allegations and resolutions being asserted against the other party in one document. If the motion is granted, the

proposed amended complaint supersedes the original complaint and OAH will issue a new scheduling order resetting the key dates in the case.

THE MOTION TO AMEND

On April 17, 2025, Student filed a 177-document entitled "Due Process Complaint- Denial of FAPE, Procedural Violations and IEE Violations." This document contains five enumerated claims, but the right side of the document is cut-off, so the text of all stated claims is not visible. The attached proof of service signed by Parent states that it was served by email on District's attorney on April 15, 2025. However, this filing appears to have been superseded by the subsequent filing on April 18, 2025, which is discussed below.

On April 18, 2025, Student filed a 178-page document entitled "Additional Legal Information & Documentation," regarding same five claims but appears to add resolutions not in the due process complaints filed on April 3 and April 17, 2025. The proof of service attached to the document refers to it as "Legal Information Documentation," but the first sentence of the document refers to the document as "this due process complaint." This document appears to be an amended complaint. Accordingly, OAH treats the filing of this document as a motion by Student to amend the complaint.

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, now scheduled for May 20, 2025. As such, the motion is timely and 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.

OAH does not consider any of the other documents filed by Student in this case to date to be part of the Amended Complaint. See Order Regarding Notice of No Action on Student's Filings of Exhibits, Argument and Other Documents, and Order Regarding Appropriate Filing of Written Argument and Hearing Exhibits. The only document constituting Student's Amended Complaint is the 178-page document filed on April 18, 2025, with five enumerated claims and six enumerated proposed resolutions, called the Amended Complaint.

If Student seeks to have OAH include any allegations, claims or resolutions beyond what was stated in this Amended Complaint, Student is required to timely file and serve a motion to amend the pleading, along with a proposed Second Amended Complaint. The proposed Second Amended Complaint shall include all the claims, allegations and resolutions Student is asserting in this action. Each of the claims and resolutions should be numbered.

DISTRICT'S MOTION TO DISMISS

On April 17, 2025, District filed a partial motion to dismiss, in which District seeks to dismiss Issues 2, 3, 4 and the majority of Issue 1 as falling outside of OAH jurisdiction. On April 18, 2025, Student filed an opposition to the motion.

District's motion is directed to the four claims in the document called "Due Process Complaint - Opening Statement," rather than the seven claims listed in the

original complaint. Moreover, the day after District filed its motion to dismiss, Student filed what OAH interprets as a motion to amend the complaint. Because OAH has granted the motion to amend and the Amended Complaint has now been deemed filed, District's motion to dismiss is not directed to the appropriate operative pleading, the Amended Complaint. Accordingly, District's motion to dismiss is denied without prejudice.

MOTION TO CONTINUE

On April 24, 2025, District filed a motion to continue the hearing to June 3 through 5, 2025, based on District's and its attorneys' unavailability on the currently scheduled hearing dates due to a hearing in an earlier-filed matter. On April 25, 2025, Student filed opposition to the motion to continue based on lack of good cause and alleged prejudice to Student. On April 28, 2025, Student filed an amended opposition.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored.

Here, OAH has granted a motion to amend, and a new scheduling order will be issued, resetting the dates for the prehearing conference and the hearing. Accordingly, the motion to continue is denied without prejudice as moot.

MEDIATION

Mediation is a process during which the parties attempt to reach a mutually acceptable resolution to their dispute. The Mediator assists and guides the parties'

discussion towards a resolution. The Office of Administrative Hearings, referred to as OAH, provides trained mediators at no cost to the parties.

The Mediator is neutral and skilled in methods of facilitating effective communication between the parties. In mediation, the parties determine if a resolution is reached, and if so, the terms of their agreement. Mediation in special education cases has produced mutually satisfactory resolutions in the vast majority of cases. OAH strongly encourages participation in mediation. If mediation is unsuccessful, the matter will proceed to the prehearing conference and due process hearing.

Parties must ask OAH in writing to schedule mediation. The parties are encouraged to work together to find a mutually acceptable date for mediation. The joint request for mediation must be made in writing to OAH via U.S. mail or Secure e-File Transfer system at https://www.applications.dgs.ca.gov/OAH/OAHSFTWeb/Account/Login. OAH will notify the parties within two business days as to the status of their requested mediation date.

OAH will contact self-represented parties to see if the party needs assistance in scheduling a mediation. Self-represented parents or guardians may also contact the case manager listed on the Scheduling Order for assistance.

REPRESENTATION

California Education Code section 56502, subdivision (h), provides that the Superintendent or his or her designee shall provide both parties with a list of persons and organizations with the geographical area that can provide free or reduced cost representation or other assistance in preparing for the due process hearing. This list shall include a brief description of the requirement to qualify for the services.

The lists for Low-Cost or Free Attorneys and Advocates for Special Education are available on the OAH website at https://www.dgs.ca.gov/en/OAH/Case-Types/Special-Education/Services/Page-Content/Special-Education-Services-List-Folder/Access-List-of-Low-Cost-or-Free-Attorneys-and-Advocates-for-Special-Education or by contacting OAH Sacramento Special Education Division at 916-263-0880.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings