

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:  
PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL DISTRICT,  
OAH CASE NUMBER 2019020666

and

TORRANCE UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,  
OAH CASE NUMBER 2018110449

## ORDER DENYING MOTION TO AMEND COMPLAINT

On November 13, 2018, Torrance Unified School District filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, or OAH, naming Student. On February 15, 2019, Student filed a Due Process Hearing

Request, referred to as a complaint, with the Office of Administrative Hearings, naming Torrance. On March 7, 2019, OAH granted Student's motion to consolidate the cases. On July 3, 2019, Student filed a Motion to Amend Due Process hearing request and an amended complaint to add claims regarding an individualized education program, or IEP, offered by Torrance on May 22, 2019, after review of independent assessments. On July 9, 2019, Torrance filed a non-opposition.

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).)

One of the matters in this consolidated action is eight months old, and the other is over five months old. An amended complaint would require new hearing dates and further delay in adjudicating these consolidated matters.

The proposed amended complaint seeks to add later-arising claims distinct from those presented in the current consolidated complaints. Student's proposed amended complaint alleges assessments done, and an IEP team meeting held, that involve procedural and substantive violations of the Individuals with Disabilities Education Act separate both in nature and time to the claims made in the current consolidated cases. Although Student indicates that he would prefer not to prosecute two separate claims, there is no compelling reason to have these disparate issues heard in the same due process hearing.

In addition, Student was not diligent, and delayed in seeking leave to amend his complaint until six weeks after the May 22, 2019 IEP team meeting was held to review the independent assessments, despite the imminent hearing on these consolidated matters being scheduled for July 30, 2019.

For these reasons, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

DATED: July 18, 2019

Alexa Hohensee  
Administrative Law Judge  
Office of Administrative Hearings