

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014030635

ORDER DENYING MOTION TO  
AMEND COMPLAINT

On March 14, 2014, Student filed a Due Process Hearing Request (complaint), naming Inglewood Unified School District (District) and Los Angeles Unified School District (LAUSD). On April 21, 2014, Student filed a request to dismiss LAUSD only, and on April 22, 2014, the Office of Administrative Hearings (OAH) dismissed LAUSD. On April 21, 2014, Student filed a First Amended Request for Due Process Hearing (amended complaint), which OAH treats as a motion to amend the complaint. District filed a statement of non-opposition on April 23, 2014.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to 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).)

Student's amended complaint adds an allegation concerning District's failure to conduct an early resolution session within 15 days of Student's filing of the complaint, in violation of Title 20 United States Code section 1415(f)(1)(B). If Student's amendment were permitted because of this alleged procedural violation, the timeline for the due process hearing would be restarted and Student's due process hearing regarding the substantive violations alleged in the complaint would be delayed. Under 34 Code of Federal Regulations part 300.510(b)(5) (2006), if a school district fails to hold a resolution session within 15 days of receiving notice of a due process complaint, the parent "may seek the intervention of a hearing office to begin the due process hearing timeline." Student's proper remedy for the procedural violation he seeks to add to this case therefore is not to file an amended complaint and delay the due process hearing date, but to request that the due process hearing date be accelerated.

Although normally amendments that are stipulated to in writing are to be granted if the respondent district is given the opportunity to resolve the complaint through a resolution session (see 20 U.S.C. §1415(c)(2)(E)(i)), the proposed amended complaint in this matter

does not seek to add any substantive issue regarding the identification, assessment for, or provision of special education. Instead, granting the amendment would lead to the absurd result of a resolution session regarding failure to hold a resolution session, and would extend timelines that should be advanced.

Student is therefore denied permission to amend his complaint. Student's case will proceed on the previously scheduled dates.

IT IS SO ORDERED.

DATE: April 23, 2014

/s/

---

KARA HATFIELD  
Administrative Law Judge  
Office of Administrative Hearings