

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

HUNTINGTON BEACH UNION HIGH
SCHOOL DISTRICT AND NEWPORT-
MESA UNIFIED SCHOOL DISTRICT,

OAH Case No. 2014090268

HUNTINGTON BEACH UNION HIGH
SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014090535

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 3, 2014, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014090268 (First Case), naming Huntington Beach Union High School District and Newport-Mesa Unified School District. On September 11, 2014, Huntington Beach filed a Request for Due Process Hearing in OAH case number 2014090535 (Second Case), naming Student. On September 22, 2014, OAH granted the parties joint request to consolidate the First Case with the Second Case.

On January 6, 2015, Student and Newport-Mesa filed a joint Motion to Amend Student's Due Process Hearing Request (amended complaint). On January 8, 2015, Huntington Beach submitted an opposition.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.

Huntington Beach primarily objects to the amended complaint because (1) it will extend the hearing dates for due process, and (2) adds new issues against Newport-Mesa and Huntington Beach. However, it is permissible for a party to add or revise issues in an amended complaint. Additionally, Huntington Beach fails to explain how it would be prejudiced by an extension of the hearing dates.

Here, Student seeks to add new issues in the amended complaint which include identical parties and similar witnesses to the original complaint. Judicial economy therefore favors granting the motion to amend. Finally, the motion to amend was filed more than 13 days prior to the hearing and is therefore timely.

For the foregoing reasons, Student and Newport-Mesa's joint motion to amend 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.

DATE: January 9, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings