

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEBELLO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014110717

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
ORDERING STUDENT TO FILE
REDACTED COPY OF AMENDED
COMPLAINT

On November 17, 2014, Student filed a Due Process Hearing Request (complaint), naming the Montebello Unified School District. On February 11, 2015, Student filed an Amended Complaint, which is treated as a motion to amend the complaint. On February 13, 2015, Montebello filed a Stipulation to Accept Student's amended complaint.

APPLICABLE LAW

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).)

DISCUSSION

Since the filing of her initial complaint, Student seeks to add additional allegations regarding her need for an intensive math program and life skills program, her failure to progress in math, and Montebello's continuation of math goals from prior years. Montebello has agreed in writing to the filing of this amended complaint. Student's motion to amend is granted.

However, Student's amended complaint includes confidential information discussed at mediation. Mediations and settlement negotiations are confidential proceedings. (20 U.S.C. § 1415(e)(2)(G); 34 C.F.R. § 300.506 (b)(8); Cal. Code Regs., tit. 5, § 3086, subd. (b).) The parties are reminded that all mediation discussions are confidential and such information shall not be included in a request for hearing. Student's original amended

complaint filed February 11, 2015, and as attached to Montebello's Stipulation to Accept the amended complaint, will be locked and password protected in the OAH electronic filing system, inaccessible to the hearing ALJ. Student shall redact all confidential information from the amended complaint as follows: 1) in the section labeled "Part 2" of Student's amended complaint, at page two, the third sentence which begins, "Spoke to district in Mediation today..." will be stricken; and 2) the fourth sentence shall end after the words "or math program," and the remainder of the sentence beginning with the words "until today, Today" and ending with the words "Math program" shall be stricken. Student shall file a redacted copy of the amended complaint for the record as described above.

ORDER

1. Student's motion to amend is granted. Student's amended complaint shall be deemed filed on the date of this Order.
2. Student shall redact from her amended complaint all references to mediation discussions and file a redacted copy of the amended complaint by February 27, 2015, and serve this on Montebello's counsel.
3. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

DATE: February 18, 2015

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings