

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2019030400

GARDEN GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2019030359

ORDER DENYING MOTION TO
AMEND COMPLAINT, WITHOUT
PREJUDICE

On March 11, 2019, Parent on behalf of Student (collectively, Student) filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Garden Grove Unified School District. The complaint alleged three issues: (1) the appropriateness of Garden Grove's assessments; (2) Student's need for a one-to-one aide; and (3) Student's need for an appropriate reading program. On March 16, 2019, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The proposed amended complaint omitted the issue of the reading program, and added an issue regarding parental participation in the process of developing Student's individualized education program. No opposition was received from Garden Grove. Subsequently, on March 21, 2019, Student filed a letter explaining his dispute with Garden Grove, and included all four issues alleged in the original complaint and proposed amended complaint, namely: (1) the appropriateness of Garden Grove's assessments; (2) Student's need for a one-to-one aide; (3) Student's need for an appropriate reading program; and (4) parental participation in the IEP process. Later on March 21, 2019, Garden Grove filed its response to all four of these issues.

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).)

The motion to amend is timely, and it would be granted except that all of Student's issues should be included in a single document, instead of in two separate complaints. Additionally, Student's letter of March 21, 2019, which contains all four issues, does not qualify as a complaint because it does not contain such statutorily required items as Student's address and proposed resolutions of the issues. (20 U.S.C. § 1415(b)(7)(A)(ii)(I), (IV); Ed. Code, § 56502, subd. (c)(1)(A), (D).) If Parent wishes for OAH to consider all four issues, Parent, on behalf of Student, needs to include all four issues in Student's amended complaint.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: A parent who is not represented by an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

Accordingly, the motion to amend is denied, without prejudice.

IT IS SO ORDERED.

DATE: March 26, 2019

DocuSigned by:

Elsa H. Jones

ELSA H. JONES

Administrative Law Judge
Office of Administrative Hearings