

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021060760

ORDER DENYING STUDENT'S SECOND MOTION TO
AMEND COMPLAINT WITHOUT PREJUDICE

OCTOBER 12, 2021

On June 21, 2021, Parents on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Pleasanton Unified School District, referred to as Pleasanton. The Office of Administrative Hearings is referred to as OAH. On July 8, 2021, the parties filed a joint request to schedule mediation and continue the hearing dates. OAH granted the parties' joint motion on July 9, 2021. On August 3, 2021, Student filed a motion to amend the complaint. OAH issued an order granting Student leave to amend the complaint on August 19, 2021.

On August 23, 2021, Pleasanton canceled the mediation on the basis Student's amended complaint added sixteen new issues and Pleasanton required additional time to prepare for the mediation. On September 7, 2021, the parties filed a second joint request to schedule mediation and continue the hearing dates. OAH issued an order on September 7, 2021 granting the parties' request for mediation and denying the request for continuance since the mediation was scheduled prior to the pending due process hearing.

On September 8, 2021, the parties filed a third request for continuance of the due process hearing on the basis Student's parent had a prior work commitment and was unavailable on the continued hearing dates. On September 15, 2021, OAH issued an order granting the request for continuance and setting the prehearing conference. The prehearing conference is set for October 25, 2021, and the due process hearing is scheduled for November 2 through 4, 2021.

On October 8, 2021, Student filed a second motion to amend the complaint. Student did not attach a copy of the proposed second amended complaint to the motion. Pleasanton filed a statement of non-opposition on October 12, 2021.

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).)

Student's motion to amend is denied without prejudice based on Student's failure to attach a copy of the proposed second amended complaint. This Order is

without prejudice to Student's right to file a motion to amend with an amended complaint attached. In light of the numerous previous continuances, no further continuances shall be granted, unless there is a showing of extraordinary circumstances, supported by detailed declarations. All dates shall remain on calendar.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings