

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

JURUPA UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2021070855

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 5, 2021

On July 27, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Jurupa Unified School District as respondent. On September 9, 2021, the parties' jointly requested continuance to conduct mediation was granted. On November 3, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Jurupa filed a notice of no opposition to the motion to amend on November 4, 2021. The hearing is currently scheduled to begin on November 16, 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 asks to amend the complaint to include issues arising from two Individualized Education Program or IEP meetings, one in August and one in October of 2021, and an October 15, 2021 IEP offer, all of which occurred subsequent to the filing of this original complaint in July of 2021. The amendments sought do not pertain to the claims originally filed.

Speedy resolution of special education cases is a focus of the Individuals with Disabilities in Education Act, or IDEA, which requires that a due process hearing be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).)

Having considered the totality of the circumstances, in this instance, the motion to amend will be granted. The motion was filed more than five days prior to the due process hearing, so meets the initial threshold. However, while the IDEA does provide for amended complaints, Student provides no authority for using the amendment process to significantly extend the time between filing and decision to allow Student to add additional claims that arise while his complaint is pending. Here, over three months have elapsed since the original filing and a prior continuance has already been granted in the case. Amendments also reset timelines resulting in further delay of the resolution of a student's educational program. No future motions to amend will be granted to incorporate new developments in Student's educational program.

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 and all currently scheduled dates are hereby vacated. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings