

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT
AND NATOMAS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080448

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 29, 2021

On November 29, 2021, Administrative Law Judge Penelope Pahl, Office of Administrative Hearings, also called OAH, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Attorney, Christian Knox, appeared on behalf of Student. Attorney, Jack Clarke, appeared on behalf of Elk Grove Unified School District. Attorney Sarah Sutherland appeared on behalf of Natomas Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO AMEND COMPLAINT

On November 22, 2021, Student filed a motion to amend his complaint. On November 24, 2021, Elk Grove filed notice of non-opposition to the motion. Natomas did not file a reply in advance of the PHC.

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).)

At the time of prehearing conference, Natomas stated its concerns regarding the filing of a motion to amend in such close proximity to the PHC. Natomas also expressed concern regarding potential future serial amendments given the fact that this amendment included a matter that occurred after the filing of the complaint. However, ultimately, Natomas did not oppose the motion.

The motion was timely and was granted during the PHC. The amended complaint is deemed filed as of the date of the PHC. All dates currently scheduled were vacated. The parties were informed OAH would issue a new scheduling order.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings