

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

CALIFORNIA SCHOOL FOR THE DEAF, RIVERSIDE AND REDLANDS
UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100686

ORDER GRANTING MOTION TO AMEND

NOVEMBER 10, 2021

On October 22, 2021, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming California School for the Deaf, Riverside. On November 1, 2021, California School for the Deaf filed a Notice of Insufficiency as to the complaint. On November 2, 2021, OAH found the complaint was insufficient as to California School for the Deaf, the only named respondent. The complaint referenced California School for the Deaf in the factual narrative, but alleged Student resided within boundaries of Redlands Unified School District, and alleged that the "District" denied Student a free appropriate public education, although Redlands was not named as party to the complaint. The complaint failed to describe which entity or entities conducted Student's assessments, participated

in Student's individualized education program team meetings, developed Student's goals, and made decisions with respect to Student's FAPE.

OAH's Order permitted Student to file an amended complaint.

On November 4, 2021, Student filed an amended complaint naming both California School for the Deaf and Redlands Unified School District as respondents. No opposition was received from either party.

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).)

The motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and is granted. 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. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman
Administrative Law Judge
Office of Administrative Hearings