

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100479

ORDER GRANTING MOTION TO AMEND COMPLAINT

DECEMBER 7, 2021

On October 18, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Long Beach Unified School District. The Office of Administrative Hearings is referred to as OAH. On December 1, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Long Beach filed an opposition on December 6, 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).)

The motion to amend was filed more than five days prior to the due process hearing and is timely. Student's amended complaint adds an issue that was not in the original complaint. Long Beach opposed Student's motion to amend arguing that the new issue is duplicative of the first issue in Student's original complaint. Although the new issue is very similar to the first issue in Student's original complaint, the new issue alleges a slightly different time period. The original issue alleges Long Beach did not timely hold an individualized education program, referred to as an IEP, team meeting after Parents' request and prior to the start of the 2021-2022 school year. The new issue alleges Long Beach did not timely hold an IEP team meeting at any time after Parents' request in July 2021. While the allegation of failing to timely hold an IEP team meeting is the same, the time period in the new issue is different and encompasses a longer time frame. Therefore, the motion to amend 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. The mediation scheduled for January 12, 2022, remains on calendar unless cancelled by a party, and the timeline governing this matter shall not change. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Linda Johnson".

Linda Johnson
Administrative Law Judge
Office of Administrative Hearings