

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

HUNTINGTON BEACH CITY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021110216

ORDER GRANTING MOTION TO AMEND COMPLAINT, SET
MEDIATION, AND CONTINUE PREHEARING CONFERENCE

AND DUE PROCESS HEARING

DECEMBER 29, 2021

On November 8, 2021, Huntington Beach City School District filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH. Huntington Beach sought a determination that its March 2021 individualized education program offered Student a free appropriate public education.

On November 18, 2021, OAH granted the parties' joint request to schedule a mediation in this matter for January 7, 2022. OAH continued the prehearing conference

in this matter to February 25, 2022, and the due process hearing to March 8 through 10, 2022.

On December 20, 2021, Huntington Beach filed a motion to amend its due process hearing request. Then proposed amended complaint filed with the motion added a request that OAH determine that Huntington Beach conducted its assessments for the March 2021 IEP appropriately, such that Student was not entitled to independent educational evaluations in the same areas at public expense. Huntington Beach's motion stated Huntington Beach was not seeking to change any currently scheduled dates in this matter, and that Student did not oppose the proposed amendment. Student did not file a response to Huntington Beach's motion to amend.

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 restarting of timelines upon filing of an amended complaint is mandatory. In this district-filed case, new prehearing conference and hearing dates would be set earlier than the existing dates granted previously by OAH. Huntington Beach's motion to amend its complaint without changing the existing dates is therefore treated as a motion to amend the complaint, schedule mediation, and continue the prehearing conference and hearing to the existing dates.

Huntington Beach's motion to amend was timely filed more than five days prior to the due process hearing. Good cause exists to allow the unopposed amendment.

The amended complaint shall be deemed filed on the date of this order. Good cause also exists to schedule mediation and continue the new prehearing conference date and due process hearing date to the later dates previously granted by OAH.

This matter is set for the following dates:

MEDIATION DATE is January 7, 2022, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on February 25, 2022, at 1:00PM.

DUE PROCESS HEARING will be held on March 8 through 10, 2022.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert G. Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings