

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NORTHERN HUMBOLDT UNION HIGH SCHOOL DISTRICT AND
REDWOOD COAST REGIONAL CENTER.

OAH CASE NUMBER 2021110695

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 8, 2022

On November 23, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Northern Humboldt Union High School District and Redwood Coast Regional Center as parties. The Office of Administrative Hearings is referred to as OAH. On December 10, 2021, OAH granted Regional Center's request to be dismissed as a party. This matter is currently scheduled for hearing beginning January 19, 2022.

On January 5, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Student seeks to rename Regional Center as a party. The proposed amended complaint contains a newly framed allegation against

Regional Center and additional allegations against Northern Humboldt. On January 7, 2022, Northern Humboldt filed an opposition on the grounds that this hearing should not be delayed; OAH previously determined Regional Center is not an appropriate party; and the additional claims arose after the initial filing and can be brought in a separate action.

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. Student seeks to rename the Regional Center and has added additional facts and new claims. The motion to amend is granted. Regional Center is reinstated as a party. The amended complaint shall be deemed filed on the date of this order. All pending dates are vacated, and 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.

Theresa Ravandi

Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings