

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MONROVIA UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2021110422

ORDER GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 04, 2022

On November 16, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Monrovia Unified School District. The Office of Administrative Hearings is referred to as OAH. On February 3, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Monrovia filed an opposition to Student's motion on February 4, 2022.

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. Student's amended complaint alleges an additional issue, that Monrovia should have also considered special education eligibility under the category of specific learning disability in addition to the first allegation that Monrovia denied student a free appropriate public education by failing to find Student eligible for special education under the category of other health impairment.

Monrovia opposes Student's motion on the grounds that Student's additional issue is not a new and different cause of action. Although both issues are similar, Student's complaint was specific to other health impairment. Student's amended complaint includes the original issue and adds a second issue regarding specific learning disability. The two issues, as written, are separate and distinct.

Student's motion is timely, and the amended complaint adds a new issue for hearing, therefore, it 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.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings