

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024020768

ORDER DENYING MOTION TO AMEND COMPLAINT

JUNE 20, 2024

On February 23, 2024, Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Grossmont Union High School District, called Grossmont. The Office of Administrative Hearings is referred to as OAH. On March 26, 2024, OAH granted a joint request for a hearing continuance and set hearing to start on July 2, 2024.

On June 19, 2024, Student filed a motion to amend the due process hearing request and an amended complaint. On June 19, 2024, Grossmont filed a statement of non-opposition to the 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 motion to amend was filed more than five days prior to the due process hearing and is timely. However, Student did not show that the proposed additional issues are connected to the existing issues in this case other than they also involved the same parties. The issues alleged in Student's complaint filed on February 23, 2024, pertain to educational issues from February 24, 2022 to February 15, 2024. The additional proposed issues pertain to educational issues after February 15, 2024, specifically alleging denial of a free appropriate public education in the May 9, 2024, and June 4, 2024, individualized education programs. Accordingly, different witnesses and evidence would be required, and judicial economy would not be promoted by amending the complaint to include these proposed additional issues.

A due process hearing must be conducted, and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored.

This case is currently set for hearing on July 2, 2024, approximately five months after Student filed his initial complaint and OAH granted the parties' joint request for a hearing continuance on March 26, 2024. It is unreasonable to delay the adjudication of the issues in Student's original complaint by amending Student's complaint to add totally different issues from a different time period. Granting this motion to amend would unnecessarily delay hearing and result in a decision on the issues in the original complaint well beyond 45 days after the original complaint was filed, without good

cause. Student may file another complaint on the new issues proposed in Student's motion to amend. Therefore, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong

Administrative Law Judge

Office of Administrative Hearings