

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENTS ON BEHALF OF STUDENT,

and

HUNTINGTON BEACH CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2024030550

OAH CASE NUMBER 2023100497

ORDER DENYING MOTION TO AMEND COMPLAINT

JUNE 21, 2024

On November 15, 2023, Huntington Beach City School District, called Huntington Beach, 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.

On November 29, 2023, OAH granted the parties' joint request to schedule a mediation and continue the due process hearing. On January 22, 2024, Student cancelled the mediation. On February 20, 2024, OAH granted the parties' second joint request to schedule a mediation and continue the due process hearing.

On March 15, 2024, Student filed a request for due process hearing with OAH naming Huntington Beach. On April 19, 2024, OAH granted Student's motion to consolidate cases and designated Student's case as primary for purposes of calculating statutory timelines.

On April, 22, 2024, OAH held a prehearing conference, called PHC. Following the PHC, OAH issued an order granting the parties' joint request for a continuance of the due process hearing for the purpose of allowing the parties to participate in mediation involving Student's claims. OAH scheduled the mediation for April 29, 2024, and continued the PHC to May 17, 2024, and the due process hearing to May 29 and 30, 2024.

On April 26, 2024, Student cancelled the mediation.

On May 14, 2024, OAH issued an order granting Huntington Beach's motion to amend its complaint. On May 15, 2024, OAH issued a scheduling order in the consolidated case. The PHC was scheduled for June 24, 2024, at 10:00 AM and the due process hearing was scheduled for July 2 and 3, 2024.

On June 19, 2024, Student filed a motion to amend his complaint. On June 20, 2024, Huntington Beach 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 involve the same parties. The issues alleged in Student's complaint filed on March 15, 2024 pertain to: (1) a denial of a free appropriate public education, called FAPE, in a March 15, 2022 IEP by failing to make an appropriate offer of goals, services and placement, and (2) Huntington Beach's convening an individual service plan meeting instead of an IEP team meeting during the 2022-2023 school year. The additional proposed issues pertain to educational issues for a different school year, specifically alleging denial of a FAPE in a March 26, 2024 IEP. 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 eight months after Huntington Beach filed the initial complaint and OAH granted the parties' joint request for a hearing continuance on November 29, 2023. Further, Student did not establish good cause for waiting over three months to file an amended complaint following the IEP held on March 26, 2024. It is unreasonable to delay the adjudication of the issues in Huntington Beach's case, and in Student's original complaint, by amending Student's complaint to add totally different issues from a different time-period. Granting Student's motion to amend would unnecessarily delay hearing and result in a decision on the issues in the original complaint well beyond 45 days after

both Huntington Beach's and Student's original complaints were 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.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings