

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024041061

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 1, 2024

On April 25, 2024, Student filed a request for due process hearing, complaint, with the Office of Administrative Hearings, OAH, naming Riverside Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 23, 2024, Student filed a motion to amend the complaint and an amended complaint. No opposition was received from Riverside.

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. However, Student amended the complaint based upon an independent educational evaluation conducted in May 2024. Student has had several months to amend the original complaint, filed approximately 5 months and one-half months ago. Additional issues alleged in the amended complaint relate to an individualized education plan already placed in issue. Student is cautioned that further amendments may not be granted after this late date because of the interference with timely disposition of due process matters.

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.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings