

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

REDONDO BEACH UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2024080334
OAH CASE NUMBER 2024070777

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE AND GRANTING
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

OCTOBER 7, 2024

On October 7, 2024, Administrative Law Judge Christine Arden, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Deanna Sweeney, Attorney at Law, appeared on behalf of Student. Sundee Johnson, Attorney at Law, appeared on behalf of Redondo Beach Unified School District.

The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On August 8, 2024, Student commenced OAH case number 2024080334, called Student's Case, by filing a Due Process Hearing Request with OAH naming Redondo Beach Unified School District. On August 14, 2024, OAH granted Student's request to consolidate Student's Case with case number 2024070777, called District's Case, filed by Redondo Beach Unified School District, naming Student. The order granting consolidation established Student's Case to be the primary case, and District's Case to be the secondary case in the consolidated matter. On September 3, 2024, OAH granted the parties' joint request to schedule a mediation, and continue the hearing to October 15, 2024, through October 17, 2024. The parties participated in a mediation on September 30, 2024.

On October 3, 2024, Student filed a Motion to Amend the Due Process Hearing Request, along with a proposed (unsigned) amended complaint. Student's motion was based on the ground that Student learned of multiple new facts constituting the grounds for new issues when Redondo Beach Unified School District produced Student's educational records after Student had already filed his initial complaint. Redondo Beach Unified School District filed an opposition to that motion on October 4, 2024, arguing it would be prejudiced if Student was given leave to file an amended complaint.

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).)

Student's motion to amend was filed more than five days prior to the due process hearing. After the parties' attorneys were given an opportunity to present oral argument on the pending motion on the record at the PHC, the ALJ ruled that Student's motion was timely and, therefore, was granted. Student's proposed amended complaint shall be deemed to be signed by Student's attorney, and 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.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting [OAH Secure e-file](https://www.applications.dgs.ca.gov/oah/oahsftweb) at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If an

agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings