

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024050784

ORDER DENYING MOTION TO AMEND COMPLAINT

OCTOBER 17, 2024

On May 17, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Capistrano Unified School District, called Capistrano. The Office of Administrative Hearings is referred to as OAH. On June 20, 2024, OAH granted the parties' joint request to continue the matter. On September 27, 2024, OAH granted Student's' request to continue the hearing, the second continuance for this matter. The hearing is scheduled to begin on October 29, 2024.

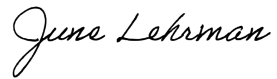
On October 15, 2024, Student filed a motion to amend and first amended complaint. Student's motion is based upon a desire to add a new issue that arose on October 9, 2024. Capistrano filed an opposition on October 17, 2024.

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).)

As clarified at the prehearing conference held on September 27, 2024, this matter comprises nine issues for hearing with numerous sub-issues, arising out of individualized education programs dated May 18, 2022; October 12, 2022; October 24, 2022; November 7, 2022; January 10, 2023; May 25, 2023; August 29, 2023; September 19, 2023; October 10, 2023; October 26, 2023; and January 22, 2024. Given the amount of time this matter has been on calendar, the prior continuances, and the time frame at issue in the original complaint, Student failed to establish good cause to amend the complaint to add a new issue that arose after Student's complaint was filed. OAH is required to conduct timely due process hearings and adding new issues that occur well after the complaint was filed could extend a hearing indefinitely. A new issue may be

addressed in a separate complaint. Therefore, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings