

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024070190

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE GRANTING STUDENT'S
MOTION TO AMEND AND DENYING MOTION TO
CONTINUE AS MOOT

OCTOBER 28, 2024

On October 28, 2024, Administrative Law Judge Theresa Ravandi, 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.

Attorney Madeline Knutson appeared on behalf of Parents and Student. Attorney Lisa Dennis appeared on behalf of Chaffey Joint Union High School District. The PHC

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

STUDENT'S MOTION TO AMEND

On October 23, 2024, Student filed a motion to amend the complaint and a proposed amended complaint. On October 28, 2024, Chaffey filed a non-opposition to Student's motion to amend, erroneously labeled a non-opposition to Student's motion to continue. During the PHC, Chaffey confirmed it does not oppose Student's 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).)

Student seeks to add an additional claim regarding Chaffey's alleged failure to offer an appropriate individualized education program from February 2024 until August 2024. The motion to amend was filed more than five days prior to the due process hearing and is not opposed. Student's motion is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All pending dates are vacated, and all applicable timelines shall be reset as of the date of this order. OAH will issue a new scheduling order with the new dates.

In light of this Order, Student's motion to continue the due process hearing is denied as moot.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings