

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

PALM SPRINGS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024090414

OAH CASE NUMBER 2024090014

ORDER DENYING STUDENT'S MOTION TO AMEND
COMPLAINT AND NOTICE OF NO ACTION ON REQUEST
TO BIFURCATE CASES

OCTOBER 30, 2024

On August 29, 2024, Palm Spring Unified School District filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Parent on behalf of Student in OAH case number 2024090014, Palm Springs' Case. Palm Springs Unified School District is called Palm Springs.

On September 10, 2024, Parent on behalf of Student filed a complaint naming Palm Springs in OAH case number 2024090414, Student's Case.

On September 13, 2024, Student filed a motion to consolidate the cases. On September 13, 2024, Palm Springs filed a statement of non-opposition. On September 16, 2024, OAH granted the motion to consolidate, and designated Student's Case, OAH case number 2024090414, as the primary case in the consolidated matter. The consolidated matter relates to the appropriateness of Student's individualized education program, called IEP, developed on October 17, 2023, as finalized on June 3, 2024, for the 2023-2024 school year. The due process hearing in the consolidated matter is scheduled to begin on December 3, 2024.

On October 14, 2024, Student filed a motion to amend the due process hearing request and an amended complaint. On October 16, 2024, Palm Springs filed an opposition to Student's motion to amend and, alternatively, a request to bifurcate the cases to allow Palm Springs' Case to proceed to hearing as currently scheduled. Student filed a reply to Palm Springs' opposition on October 22, 2024. Student argued the amended complaint includes significant new facts about Student's neurodevelopmental disorder and that information from a new IEP developed on October 11, 2024, is necessary to address Student's needs.

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 Individuals with Disabilities Education Act and related state laws do not require petitioners to plead all claims in one complaint. The compulsory joinder requirements under the Federal Rules

of Civil Procedure and California Code of Civil Procedure do not apply in special education due process hearings before OAH.

Student's motion to amend was filed more than five business days before the hearing date. However, the amended complaint does not allege new facts or raise additional issues from the initial complaint filed with OAH on September 10, 2024, related to the 2023-2024 school year. Student's proposed amended complaint seeks to add issues related to a new IEP dated October 11, 2024, developed after the filing of this action. Student did not show that the proposed additional issues are connected to the issues in this consolidated matter other than it also involves the same parties. Further, the legal issues alleged in the proposed amended complaint for the 2023-2024 school year are identical to those pled in Student's original complaint, and no substantive changes have been made.

Accordingly, the motion to amend is denied. Student may file a new complaint alleging the additional issues. All dates shall remain on calendar.

OAH takes no action on Palm Springs' request to bifurcate the due process hearing in Palm Springs' Case on the grounds this issue is moot based on this Order.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings