

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041109

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 4, 2026

On September 4, 2026, Administrative Law Judge Jennifer Kelly, 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 Sauda Johnson-McNeal appeared on behalf of Student. Attorney Cathy S. Holmes appeared on behalf of Riverside Unified School District, called Riverside. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S MOTION TO AMEND

On April 23, 2026, Student filed a request for due process hearing, called a complaint, with OAH naming Riverside in OAH Case Number 2026041109. On May 28, 2026, OAH granted the parties' joint request to schedule mediation and continue the due process hearing. The due process hearing is scheduled to begin on September 15, 2026.

On August 31, 2026, Student filed a motion to amend his complaint. Student's motion to amend was filed three-business days before the PHC and therefore was timely.

On September 1, 2026, Riverside filed a notice of non-opposition to 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).)

Here, Student's case involves three issues with a total of 27 sub issues related to the 2023-2024, 2024-2025, and 2025-2026 school years. Student is requesting to amend the complaint to add issues and facts that occurred after he filed his complaint.

At the PHC, Student's attorney advised the ALJ that Riverside convened an individualized education program, called IEP, team meeting on April 22, 2026 to develop

Student's program for the 2026-2027 school year. Riverside did not make an offer of a free appropriate public education, called FAPE, at the April 22, 2026 IEP team meeting.

Student filed his complaint on April 24, 2026. Thereafter, the IEP team met on or around August 21, 2026 to complete Student's FAPE offer for the 2026-2027 school year. Student seeks to add issues related to, among other issues, the appropriateness of the August 21, 2026, IEP.

Here, the requested amended complaint alleges issues directly related to the existing issues presented in Student's complaint and arise from similar circumstances and facts that were alleged in the original complaint. Thus, it is not unreasonable to delay the adjudication of the issues in the existing case by allowing Student to amend his complaint.

Accordingly, the motion to amend is granted. 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.

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ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. 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.

Tara Doss

Tara Doss for Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings