

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WESTERN PLACER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070522

ORDER DENYING MOTION TO AMEND COMPLAINT

SEPTEMBER 28, 2026

On July 9, 2026, Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Western Placer Unified School District as respondent. On August 21, 2026, the parties' joint requests for mediation and a continuance were granted. That order reminded the parties that all motions were due three business days prior to the prehearing conference or required a declaration stating good cause for the failing to timely file the motion. On September 18, 2026, the prehearing conference in this case was held, setting the hearing dates for September 29, 30 and October 1, 2026.

On September 21, 2026, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Western Placer filed an opposition on September 23, 2026.

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).)

This motion to amend the complaint is not timely because the hearing officer may only grant permission to amend five days or more prior to the date the due process hearing is scheduled to occur. (20 U.S.C. § 1415(c)(2)(E)(I)(ii).) Western Placer did not offer written consent to Student's request to file an amended complaint. Here, due to the close proximity of the filing of this request to amend the complaint to the first day scheduled for hearing, the hearing officer was unable to rule five days prior to the beginning of the hearing.

It is also noted that Student failed to offer good cause for not filing this motion three business days prior to the prehearing conference, as ordered in both the scheduling order and order granting continuance. Student's moving papers allege Student's counsel was aware of IEP meeting recordings and did not transcribe them soon enough to be aware of additional claims she could raise. According to Student's moving papers, the delay was attributed to placing transcription responsibility on the parents, who, according to Counsel's declaration, did not complete the transcriptions until September 18, 2026. This does not constitute good case for failing to file the motion to amend prior to the prehearing conference.

The motion to amend is denied. All dates shall remain on calendar. Student is, of course, at liberty to file any additional claims deemed meritorious in a separate action. (20 U.S.C. §1415(o).)

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings