BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020643

ORDER DENYING STUDENT'S MOTION TO AMEND COMPLAINT

MAY 6, 2025

On February 18, 2025, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings naming Long Beach Unified School District, called Long Beach Unified. The Office of Administrative Hearings is called OAH.

The complaint identified Student as the petitioner, and alleged that Attorney Madeline Knutson and the law firm of Timothy A. Adams & Associates represent Student in this matter. Student was 18 years old, and Parent did not hold Student's educational rights at the time of the filing. The complaint did not state it was filed by Parent on behalf of Student, and the complaint did not name Parent as a petitioner. The complaint did not identify Knutson and her office as attorneys for Parent.

On April 2, 2025, Long Beach Unified filed a motion to clarify the petitioner in this matter. Long Beach Unified contended Student was 18 years old at the time of the filing of the complaint and held his own educational rights. Long Beach Unified sought clarification of who the petitioner is in this matter because the complaint represents that it was filed by Student. Further, Long Beach Unified moved to dismiss the complaint because Knutson and her office did not represent Student, who is the individual the complaint was filed on behalf of.

On April 5, 2025, Student filed a response to the motion. Knutson represented that the complaint was filed on behalf of Parent to seek reimbursement of expenses Parent incurred for Student's education prior to Student turning 18 years old. In their response, Knutson proposed to file an amended complaint to name Parent, not Student as the petitioner, and to limit the remedies sought to reimbursement of educational expenses.

On April 9, 2025, OAH issued an order denying Long Beach Unified's motion to dismiss the complaint on the basis the complaint named Student as the sole petitioner in this matter, and Student has standing to file the claims alleged in the complaint. OAH's order stated it was unclear from the pleadings whether Knutson and her office represents only Parent, or Parent and Student. OAH further ordered that in the event the complaint was intended to be filed by Parent, then Student could file a motion to amend the complaint. This presumed Knutson and the law firm of Timothy A. Adams & Associates represented both Student and Parent.

On April 25, 2025, the Knutson and the law firm of Timothy A. Adams & Associates filed a motion to amend the complaint and an amended complaint. The amended complaint seeks to replace Student as petitioner with Parent.

On April 30, 2025, Long Beach Unified filed an opposition to the motion to amend. Long Beach Unified argues that Knutson and the law firm of Timothy A. Adams & Associates does not represent Student and therefore cannot amend the complaint to substitute Parent for Student as the petitioner.

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, called IDEA, affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE free appropriate public education, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) OAH's jurisdiction is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

The IDEA conveys rights to parents and children, and grants parents independent, enforceable rights. (*Winkelman v. Parma City Sch. Dist.* (2007) 550 U.S. 516, 529, 533 [127 S.Ct. 1994] (*Winkelman*); see also *Latynski-Rossiter v. District of Columbia* (D.C. 2013) 928 F.Supp.2d 57, 62 (holding that that parents have standing to pursue reimbursement claims under the IDEA, even after the student has reached the age of majority and IDEA rights have transferred to the student).) Because parents enjoy rights

under the IDEA, they are entitled to prosecute IDEA claims on their own behalf. (*Winkleman*, *supra*, 55 U.S. at p. 518.)

In California, when an individual with exceptional needs reaches the age of 18, except for an individual who has been determined to be incompetent under state law, the local educational agency must provide any notice of procedural safeguards required by the IDEA to both the individual and the parents of the individual. All other IDEA rights assigned to a parent transfer to the individual with exceptional needs. The local educational agency must notify the individual and the parent of the transfer of rights. (Ed. Code, § 56041.5; see also 20 U.S.C. § 1415(m).)

The motion to amend confirms that Student did not transfer his educational rights to Parent and is not conserved. Further, the motion to amend clarifies that Knutson and the law firm of Timothy A. Adams & Associates do not represent Student. Therefore, they lacked authority to file a complaint on Student's behalf. They cite no legal authority authorizing them to amend the complaint on Student's behalf where the attorneys do not represent Student. Knutson and the law firm of Timothy A. Adam & Associates' error cannot be remedied by substituting Parent in for Student for the purpose of allowing Parent to seek reimbursement for expenses incurred by Parent prior to Student reaching the age of majority. Such a result would condone the attorneys' act of filing an action on behalf of a party they do not represent. (See *Parent on Behalf of Student v. Elk Grove Unified School District* (2024) OAH case number 2023030253 (party dismissed from case based on lack of standing where attorney lacked authority to file complaint on behalf of party).) OAH decisions are not binding precedent, but may be persuasive. (Cal. Code Regs., tit. 5, § 3085.) The foregoing OAH decision is persuasive.

The motion to amend the complaint is denied. Knutson and the law firm of Timothy A. Adams & Associates may dismiss the lawsuit and file a new complaint naming Parent as the petitioner.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings