BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UKIAH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023100750

ORDER GRANTING MOTION TO AMEND COMPLAINT

DECEMBER 4, 2023

On October 23, 2023, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Ukiah Unified School District. The Office of Administrative Hearings is referred to as OAH. The due process hearing is scheduled to begin on December 12, 2023.

On November 24, 2023, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. The amended complaint raises new issues during the 2022-23 and 2023-24 school years, the same time period as the original complaint. The amended complaint raises several new issues regarding transportation, Student's lack of meaningful progress on goals, Parents request for independent assessments, and several procedural violations.

On November 30, 2023, Ukiah Unified School District filed an opposition. Ukiah opposed the amended complaint asserting Student knew about the newly alleged facts and issues at the time the original complaint was filed. Ukiah also opposed the amended complaint because it held a resolution session related to the original complaint on November 6, 2023. Ukiah asserts prejudice.

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 motion to amend was filed more than five days prior to the due process hearing. The motion to amend is timely, appropriate, and 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.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar
Administrative Law Judge
Office of Administrative Hearings