BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. RIALTO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060980
RIALTO UNIFIED SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018090418 ORDER DENYING MOTION TO AMEND COMPLAINT

On June 20, 2018, Student filed a Due Process Hearing Request with the Office of Administrative Hearings, naming Rialto Unified School District. On July 10, 2018 Student filed an Amended Due Process Hearing Request, naming Rialto District. On August 22, 2018, OAH granted the parties' joint request for mediation and to continue the due process hearing to November 6-8, 2018.

On September 11, 2018, Rialto District filed its Request for Due Process. On September 12, 2018, Rialto District filed a Motion to Consolidate. On September 17, 2018, OAH granted the Motion to Consolidate and ordered that Student's Case shall be the primary case in the consolidated matter.

On October 9, 2018, Rialto District filed a filed a Motion for Leave to Amend District's Complaint and Restart Timeline, along with its proposed Amended Complaint (amended complaint). No opposition was received from Student.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) OAH has discretion to deny a motion to amend. 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 is denied. This case was filed almost four months ago and the hearing date has already been reset once due to Student filing an amended complaint, and continued once, pursuant to the joint request of the parties. Rialto District will not be prejudiced by denial of its motion because it can file a separate action regarding its offer of a free and public education made in the October 8, 2018 IEP.

Moreover, Rialto District's issue number two in its proposed amended complaint is identical to issue number two in its complaint, which was found to be insufficiently pled in the September 18, 2018 Order Determining Issue Two of District's Due Process Complaint Insufficient. That order gave Rialto District 14 days to file an amended complaint. Rialto District did not file an amended complaint within that time.

IT IS SO ORDERED.

DATE: October 18, 2018

DocuSigned by:
Christine Arden
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CHRISTINE ARDEN
Administrative Law Judge
Office of Administrative Hearings