BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

AND

EARLIMART SCHOOL DISTRICT.

OAH CASE NUMBER 2026010501

OAH CASE NUMBER 2026031274

ORDER DENYING MOTION TO AMEND COMPLAINT

MAY 29, 2026

On January 13, 2026, Student filed a Request for Due Process Hearing, called a complaint, naming Earlimart School District, with the Office of Administrative Hearings, called OAH. Student alleges, among other things, that Earlimart denied Student a free appropriate public education, or FAPE, based on the alleged failure to timely and appropriately assess Student, provide appropriate goals, or provide supports and services with appropriate staff and appropriate interventions, and that it denied Parent participation based on the failure to translate documents, to give prior written notice and by changing Student's services outside of the individualized education program process. An individualized education program is called an IEP. No IEP dates, school years or other time periods were specified in any of the seven stated issues listed in the

complaint. The case filed by Student is called Student's Case No. 1. OAH set the hearing in Student's Case No. 1 for March 3 through 5, 2026.

On February 20, 2026, OAH granted District's unopposed motion to continue the hearing because of District attorney's unavailability. OAH continued the prehearing conference and the hearing, setting the hearing to begin on April 14 through 16, 2026.

OAH CONSOLIDATED STUDENT'S CASE NO. 1 WITH DISTRICT'S CASE, AND GRANTED A SECOND CONTINUANCE OF THE HEARING AT THE FIRST PREHEARING CONFERENCE HELD ON APRIL 3, 2026

On March 17, 2026, Earlimart filed a Request for Due Process Hearing in OAH case number 2026031274, naming Student. Earlimart sought a determination it appropriately conducted its psychoeducational evaluation documented in a report dated September 11, 2025. The case filed by District is called District's Case.

On March 30, 2026, District filed a motion to continue the hearing on the grounds both parties' attorneys were in ongoing hearing before Administrative Law Judge Paul Kamoroff, which it claimed conflicted with the current hearing dates in District's Case, and requested the hearing be continued to June 2 through 4, 2026. An Administrative Law Judge is called an ALJ.

At the prehearing conference on April 3, 2026, OAH granted District's motion to consolidate Student's Case No. 1 and District Case, making Student's Case the lead case. OAH also granted District's unopposed motion to continue the hearing to May 19 through 21, 2026, instead of the requested dates of June 2 through 4, 2026, based on the attorneys' calendar conflicts in earlier-filed matters.

THE SECOND PREHEARING CONFERENCE HELD ON MAY 8, 2026: OAH DENIED STUDENT'S MOTION TO CONSOLIDATE STUDENT'S CASE NO. 2 WITH THIS CASE, AND GRANTED A THIRD CONTINUANCE OF THE HEARING

On May 5, 2026, District filed a third motion to continue the hearing in the consolidated matter based on the unavailability of its counsel and District staff due to conflicts in their schedules, including the same ongoing hearing before ALJ Kamoroff. District requested a continuance of the hearing to July 7 through 10, 2026.

Concurrently, on May 5, 2026, Student filed another case in OAH case number 2026050300, naming Earlimart. This case filed by Student is called Student's Case No. 2. The same day Student's also filed a motion to consolidate Student's Case No. 2 with the consolidated matter of District's Case and Student's Case No. 1.

A second prehearing conference was held on May 8, 2026. At the prehearing conference, the ALJ denied the motion to consolidate, based on Student's improper attempt to add claims through a motion to consolidate, after making the election to have those claims heard in a separate hearing pursuant to Title 20 United States Code section 1415(o).

At the over two-hour prehearing conference, the ALJ attempted to determine Student's issues for hearing. As set forth in the May 8, 2026 Order and as reflected on the record of the prehearing conference, Student's prehearing conference statement failed to separately and concisely state each issue Student seeks to have the ALJ decide, as required by Scheduling Orders. The issues listed for hearing were vague and nebulous, combined multiple issues without specifying any time periods, school years, or IEPs at issue, and without specifying whether Student was challenging an IEP offer or

the implementation of a particular IEP offer, and failed to specify the goals, services or supports at issue. At the prehearing conference, Student's counsel admitted she was resistant to specifying the facts and issues because she claimed school districts create documents to afford a defense if she provides specificity. Accordingly, none of the stated issues were specific enough for the ALJ to understand the claims Student was making, or for the ALJ to apply the "snapshot rule." (*J.W. v. Fresno* (9th Cir. 2010) 626 F.3d 431, 439; *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrmann v. East Hanover Board of Education* (3d Cir. 1993) 993 F.2d 1031, 1041[whether a student was offered or denied a FAPE is determined by looking to what was reasonable at the time the IEP was developed, not in hindsight].)

The ALJ attempted to have Student's counsel orally clarify Student's claims during the lengthy prehearing conference so the ALJ could determine the specific issues for hearing. However, District's counsel objected to many of Student statements about the issues on the grounds that Student was attempting to expand his vaguely worded claims beyond the allegations in the complaint.

After the second prehearing conference, the ALJ issued an Order Following Prehearing Conference, dated May 8, 2026. The ALJ granted District's unopposed motion to continue the hearing to July 7 through 9, 2026. The ALJ's decision to grant the requested continuance was primarily based on the attorneys' representations regarding their scheduling conflicts with other hearings including the ongoing hearing before ALJ Kamoroff, but also, so Student's counsel could file a new prehearing statement to clarify her vaguely worded statement of issues and address District's objections by specifying where each claim was alleged in the complaint. The May 8, 2026 Order also stated that because this was the third continuance of the hearing, OAH did not contemplate any further continuances.

STUDENT FILED A MOTION TO AMEND THE COMPLAINT AFTER THE SECOND PREHEARING CONFERENCE AND THE THIRD CONTINUANCE OF THE HEARING

On May 11, 2026, District filed a Request for dismissal of District's Case.

On May 11, 2026, Student filed a Request for Dismissal of Student's Case No. 2.

On May 11, 2026, at 4:58 PM, Student also filed a Motion to Amend the Due Process Hearing Request in Student's Case No. 1, and a proposed amended complaint. In the motion to amend, Student's counsel argues that she filed this motion to amend as early as possible because she did not know that the motion to consolidate would be denied and she would have to file a motion to amend. On May 12, 2026, District filed a notice of non-opposition to the 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).)

The Individuals with Disabilities Education Act, or IDEA, mandates that the hearing officer issue a decision in a student-filed case within 75 days from the filing of the due process complaint, unless the ALJ grants a continuance based on a showing of good cause. (34 C.F.R. § 300.515(a) and (c); Ed. Code, § 56505, subd. (f)(3).) In district-filed cases, the period is even shorter, requiring OAH to issue a decision within 45 days of the filing of the complaint. (*Ibid.*) The clear intent of the IDEA and California law, and

their directives to ALJs, is to ensure that disputes involving children with special needs are adjudicated quickly. Thus, resolving special education claims quickly is legally required. Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Due process hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).)

OAH carefully scrutinizes continuance requests. In determining whether a continuance is warranted under the "good cause" standard, OAH considers all relevant facts and circumstances. These include:

- the proximity of the hearing date;
- previous continuances or delays;
- the length of continuance requested;
- the availability of other means to address the problem giving rise to the request;
- prejudice to a party or witness as a result of a continuance;
- the impact of granting a continuance on other pending hearings;
- whether trial counsel is engaged in another trial;
- whether the parties have stipulated to a continuance;

- whether the interests of justice are served by the continuance or imposing conditions on the continuance; and
- any other relevant fact or circumstance.

(Cal. Rules of Court, rule 3.1332(d).)

DISCUSSION

This case was filed almost five months ago and has already been continued three times. As set forth in the May 8, 2026 Order, OAH granted the last continuance of the hearing from May 19 to July 7, 2026, primarily because the ALJ was ultimately persuaded by the arguments made at the May 8, 2026 prehearing conference that both attorneys were likely to still be engaged in the ongoing hearing before ALJ Kamoroff during the week of May 19, 2026. In fact, ALJ Kamoroff's hearing did not ultimately conclude until May 20, 2026. This continuance granted by the May 8, 2026 Order also accommodated the other calendar conflicts outlined in District's motion and provided Student's counsel with the opportunity to file a new prehearing conference statement to clarify her vaguely worded nebulous statement of issues as more fully set forth in the written order dated May 8, 2026. When OAH granted the third continuance pursuant to the May 8, 2026 Order, the ALJ stated that no further continuances were contemplated because the matter had already been continued three times. Despite this, Student filed a motion to amend the complaint at the end of the day on May 11, 2026.

Student's counsel unpersuasively claims that she filed this motion to amend as early as possible because she did not know the consolidation motion would be denied and needed to file a motion to amend. As a lawyer who claimed at the May 8, 2026 prehearing conference to have been practicing in this area for many years, Student's counsel should have known when she filed the motion to consolidate the newly filed

Student's Case No. 2 with Student's Case No. 1, that the motion to consolidate would be denied. OAH has long had a policy of refusing to consolidate separate cases filed by the same party. Some of those cases are set forth below:

- *Student v. San Diego Unified School District*, OAH Case No. 2025101198, Order Denying Motion to Consolidate Student's Two Cases dated April 9, 2026 [OAH does not consolidate separate cases filed by the same party];
- *Student v. Mt. Diablo Unified School District*, OAH Case No. 2025060753, Order Denying Motion to Consolidate Two Student-Filed Cases dated July 25, 2025 [OAH does not consolidate different cases filed by same student];
- *Student v. Los Angeles Unified School District and LaFayette Park Primary Center*, OAH Case No. 2023080390, Order Denying Motion to Consolidate dated September 1, 2023 ["OAH does not consolidate cases filed by the same party"];
- *Student v. San Marcos Unified School District*, OAH Case No. 2021090384, Order Denying Motion to Consolidate dated November 30, 2021 [a party cannot file multiple complaints and seek to consolidate those claims];
- *Student v. Fountain Valley School District*, OAH Case No. 2020060988, Order Denying Motion to Consolidate dated July 14, 2020 [denying motion to consolidate two cases filed by student as improper procedure to add claims to an existing case];
- *Student v. Anaheim Union High School District*, OAH Case No. 2019090350, Order Denying Anaheim Union's Motion to Consolidate dated October 3, 2019 [consolidation of student's second case with

student's first case and district's case denied even where claims involved both common questions of law and fact];

- *Student v. Torrance Unified School District*, OAH Case No. 2019071177, Order Denying Motion to Consolidate dated August 7, 2019 [improper for a party to file multiple separate actions and then seek to consolidate them].

In fact, for years, OAH has repeatedly denied motions to consolidate separate cases filed by the same party where Attorney Marcus was the attorney of record for the student. Below are some of the cases in which Student's counsel was attorney for the student where consolidation was denied, clearly alerting Student's attorney that a motion to consolidate was a procedurally improper method to add claims to an existing case:

- *Student v. Clovis Unified School District*, OAH Case No. 2024010630, Order Denying Motion to Consolidate, dated May 6, 2024 [a motion to consolidate a student case with an existing case filed by the same student is not the proper process to expand the issues in a due process complaint already filed];

- *Student v. Ventura Unified School District*, OAH Case No. 2022040407, Order Denying Motion to Consolidate dated April 20, 2022 ["Student should have brought a motion for leave to amend in Student's First Case if Student wanted the [sic] failure to assess in all areas of suspected disability issue to be tried in the same hearing as the issues pled in Student's First Case."];

- *Student v. Delano Union School District*, OAH Case No. 2020020879, Order Denying Motion to Consolidate Student's Two Cases dated March 18, 2020 ["OAH will not consolidate Student's two cases because Student has exercised his choice to two hearings" by filing separate cases];

- *Parent v. Lompoc Unified School District, et al.*, OAH Case Nos. 2019041183 and 2019060788, Order Partially Granting Lompoc's Motion to Consolidate dated June 28, 2019 [denying motion to consolidate student's two separately filed cases but granting consolidation of school district's case with student's first case].

Here, Student's counsel improperly attempted to add claims to the existing case through a motion to consolidate which was summarily denied on the record at the second prehearing conference on May 8, 2026. Only after the second prehearing conference did Student file a motion to amend the complaint, despite making no mention of Student's intention to file a motion to amend when the ALJ asked counsel at the May 8, 2026 prehearing conference if any other motions were contemplated. Nowhere in Student's motion does Student persuasively explain why a motion to amend was not made earlier, and why he waited until now, after three continuances of the hearing and the convening of two prehearing conferences to move to amend the complaint. Some of the claims Student seeks to add are based on events that occurred in 2025. Thus, while Student's motion acknowledges that a motion to amend should be filed as soon as possible, the record establishes that Student unreasonably delayed in filing the motion seeking leave to amend.

In the motion to amend, Student does not explain which claims he is adding or how the proposed amended complaint differs from the original complaint. However, while the original complaint contained seven vague and nebulously worded issues, the

amended complaint seeks to add in addition to those original poorly defined claims, what appears to be at least 18 entirely new issues which relate to events not in the original complaint, some of which involve a March 27, 2026 IEP team meeting and an April 22, 2026 prior written notice. Student fails to persuasively explain why claims based on these other and later events, some occurring two and three months after the filing of his initial complaint, cannot be asserted and adjudicated in a separate action.

Title 20 United States Code section 1415(c)(2)(E)(i) contains no language mandating the filing of an amended pleading when the respondent consents in writing. That subsection merely provides the means by which a student "may amend" a complaint. Thus, the fact that Student filed this motion more than five days before the current hearing and District has not opposed the motion does not require OAH to grant Student's motion to amend to add a multitude of new claims. If OAH were mandated to allow the filing an amended pleading whenever a respondent consented, hearings could be perpetually continued merely by the filing of an unopposed motion to amend, given OAH's obligation to reset the timelines, including the hearing dates, each time a complaint was amended. (20 U.S.C. §1415(c)(2)(E)(ii).) This would be contrary to the law's clear directive to adjudicate special education cases quickly and the obligation that parties establish good cause for any continuances. Accordingly, whether to grant a motion to amend is within the sound discretion of the ALJ.

Because the law requires special education cases to be adjudicated quickly, in deciding whether to allow amendment, the ALJ must necessarily take into consideration the consequence that granting such motion will delay adjudication of the earlier-filed claims, as well as the other factors considered in evaluating a continuance request. (Accord, *Student v. Los Angeles Unified School District*, OAH Case. No. 201500842, Order Rejecting Filing of Second Amended Complaint dated April 25, 2016 [rejecting

stipulation for the filing of an amended complaint signed by both parties where there had already been multiple continuances and a prehearing conference because to allow it would be contrary to the IDEA's public policy of expeditious and timely resolution of special education disputes]; *Student v. Torrance Unified School District*, OAH Case No. 2016100084, Order Denying Motion to File Second Amended Complaint dated March 24, 2017 [rejecting that a petitioner has an unfettered entitlement to file an amended pleading where the other party consents, and exercising OAH's discretion to deny student's unopposed motion to amend the complaint to add allegations which occurred after the initial filing, avoiding any further delay in adjudication of the existing claims and effectuating the IDEA's policy for prompt resolution of questions involving a disabled student's education]; *Student v. San Diego Unified School District*, OAH Case No. 2025101198, Order Denying Motion to Amend Complaint dated April 3, 2026 [denying student's motion to amend complaint to add new claims filed after three continuances of the hearing, avoiding further delay in adjudication of the existing claims].)

Here, given all the circumstances, the ALJ declines to exercise her discretion to permit Student to amend the complaint at this juncture. Granting Student's motion to amend would, in effect, achieve what amounts to a fourth continuance of the hearing on his earlier-filed claims where good cause for a fourth continuance has not been demonstrated in a case pending since January 2026. Other factors weigh against permitting amendment at this juncture. These include, but are not limited to, that these new claims can be litigated in a separate case, and the delay in the adjudication of the original claims if the ALJ allows Student to add the 18 new and different claims based on new matters given OAH scheduling guidelines and its obligation to reset the timelines when an amended complaint is filed.

At the May 8, 2026 prehearing conference, the ALJ discussed with the parties how long the hearing on the claims in Student's Case No.1 and the one issue in District's Case would take. Student's attorney estimated that the hearing would take 16 to 19 days, given the need for Spanish language interpretation for Parent, including three days of just expert testimony in Student's case in-chief. District's attorney estimated eight to ten days for the hearing, which Student's counsel believed was not realistic and her belief this case would take a similar amount of time as the case before ALJ Kamoroff. We now know that the hearing before ALJ Kamoroff took 16 hearing days to try. We also know that District has since dismissed District's Case, but its case consisted of only one clearly defined issue pertaining to its assessment.

Nonetheless, given the lengthy discussion at the May 8, 2026 prehearing conference as reflected on the record regarding Student's seven vaguely stated claims that each are really a multitude of different claims, and the need for language interpretation for Parent, the hearing is still likely to be lengthy. Thus, adding the various new and different issues Student seeks to add by the amended complaint will only further delay adjudication of the original claims, resulting not only from resetting the timelines but a much longer hearing, including a delay in the issuance of a decision which will take longer to render. This would be incongruent with the IDEA policy of prompt and efficient resolution of special education disputes. As Senator Harrison A. Williams, Jr., the champion of the Act, stated in the final Senate debate on the legislation:

> I cannot emphasize enough that delay in resolving matters regarding the education program of a handicapped child is extremely detrimental to his development.... Thus, in light of the urgent need for prompt resolution of questions involving the education of handicapped children, it is expected

> that all hearings and reviews conducted pursuant to these provisions will be commenced and disposed of as quickly as practicably consistent with a fair consideration of the issues involved.

(121 Cong. Rec. 37,416 (1975), quoted in *Livingston School Dist. Numbers 4 and 1 v. Keenan* (9th Cir. 1996) 82 F.3d 912, 916-917, relying on *Department of Education v. Carl D.* (9th Cir.1983) 695 F.2d 1154, 1157.)

Moreover, there is simply no reason why Student's new claims cannot be heard in a separate action. Title 20 United States Code section 1415(o) specifically entitles a student to file a separate due process complaint on an issue separate from a due process complaint already filed, entitling the student to separate hearings. Thus, unlike regular civil cases, a student is permitted to split claims in cases filed with OAH even if the claims arise out of the same occurrence. This allows for a faster resolution of claims, furthering the IDEA and California law directives to ensure that disputes involving children with special needs are adjudicated quickly, rather than getting bogged down in unnecessarily complicated, inefficient, delayed hearings and decisions resulting from the addition of multiple new claims to an existing case.

For all these reasons, Student's motion to amend is denied. The matter will proceed as scheduled pursuant to the May 8, 2026 Order Following Prehearing Conference.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings