

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011090949

ORDER DENYING MOTION TO  
AMEND COMPLAINT

On September 22, 2011, Student filed a Due Process Hearing Request (complaint), naming Temecula Valley Unified School District (District). On February 24, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed an opposition on February 27, 2012 primarily on the grounds that Student's amendment to add the events that transpired in a February 24, 2011 IEP will cause further delay of the hearing of the case.

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).)<sup>1</sup> 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 timely, however, the motion is denied. The complaint was filed five months ago and makes allegations going all the way back to September of 2009, a period now two and a half years ago. The proposed amendment alleges issues that can be separately heard from the current issues, considering it adds references to assessments and IEP meetings held after the complaint was filed. The filing of the amended complaint within two weeks of the current hearing date will cause further unnecessary delay in the disposition of this case.

As to any new matters that Student seeks to raise in the proposed amended complaint Student will need to file a separate complaint raising issues arising since the filing of the original complaint and concerning the February 24, 2012 Individualized Educational Program (IEP).

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

Student may withdraw any issues at any time in the current matter, and give notice to OAH regarding Student's new address without need for an amendment to the complaint. All dates shall remain on calendar as scheduled.

IT IS SO ORDERED.

Dated: February 29, 2012

/s/

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings