

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JACINTO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014120276

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On November 25, 2014, Student filed a Due Process Hearing Request (complaint), naming District. On December 22, 2014, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed an opposition on December 24, 2014.

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student's timely motion to amend alleges two additional procedural issues relating to the convening of an IEP meeting on December 15, 2014, following the filing of the original complaint. One issue alleges that the District impeded the parents' right to participate in the IEP process by convening the December 15, 2014 IEP meeting without the parents in attendance. The second issue alleges that the District predetermined its offer of placement and services at the December 15, 2014 IEP meeting.

While the District's 75-page reply, including exhibits, presents arguments relating its factual dispute with Student regarding the events leading up to and including the December 15, 2014 IEP meeting, it fails to present any persuasive argument relevant to the filing of an amended complaint pursuant to title 20 United States Code section 1415(c)(2)(E)(i). Specifically, District's disagreement with Student's perception of events related to IEP team meetings in December of 2014 is not a bar to Student timely seeking to amend the complaint to add issues. By their very nature, due process hearing requests include disputed facts or conclusions about the alleged facts.

Accordingly, the motion to amend is timely 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. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: December 24, 2014

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CAROLINE A. ZUK  
Administrative Law Judge  
Office of Administrative Hearings