

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
SPECIAL EDUCATION DIVISION  
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

Student,

v.

ANAHEIM CITY SCHOOL DISTRICT,

Respondent.

OAH CASE NO. N2006080860

ORDER DENYING MOTION  
TO AMEND

On August 28, 2006, the Office of Administrative Hearings (OAH) received from attorney Danielle Augustin a request for a due process hearing (Complaint), on behalf of Student, naming as the Respondent Anaheim City School District (District). On November 30, 2006, Student filed an amended complaint, which was treated as a motion to amend the complaint and a notice of motion sent to District.

On December 11, 2006, OAH received from attorneys Lauri LaFoe and Ronda Chow of Lozano Smith, District's Opposition to Petitioner's Motion to Amend.

APPLICABLE LAW AND DISCUSSION

The reauthorized Individuals with Disabilities Education Improvement Act (IDEIA) became effective July 1, 2005, and significantly amended Title 20 U.S.C. section 1415(b) and (c)<sup>1</sup>. Under the amended sections, 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 request occurs more than 5 days prior to the due process hearing (§1415(c)(2)(E)). In either case, the filing of an amended complaint restarts the applicable timelines for due process hearing pursuant to §1415(f)(1)(B).

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

Amendment of the Complaint is denied. The amendment would add a party and issues as to the added party, which do not pertain to the original Complaint. The amended complaint adds allegations that Anaheim Union High School District denied Student FAPE in the 2006-2007 school year by failing to provide Student with a one-to-one aide in accordance with Student's IEP. These allegations are unrelated to the claim in the original complaint that Anaheim City School District denied Student FAPE in elementary school by failing to provide an appropriate amount of physical and occupational therapy services. Different issues are involved for each district and those issues would not involve the same testimony and evidence.

#### ORDER

The motion to amend the due process complaint is denied.

Dated: December 15, 2006

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WILLIAM HOOVER  
Administrative Law Judge  
Special Education Division  
Office of Administrative Hearings