BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ADELANTO ELEMENTARY SCHOOL DISTRICT, DESERT MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA, AND DESERT MOUNTAIN CHILDREN'S CENTER.

OAH CASE NUMBER 2025060065

ORDER DENYING REQUEST FOR RECONSIDERATION

AUGUST 20, 2025

On August 5, 2025, the undersigned Administrative Law Judge issued an order granting Student's motion to amend his due process complaint.

On August 19, 2025, Student filed a document entitled "Motion for Clarification of the August 5, 2025 Order Issued by OAH in Response to Student." In this document, Student argues that the undersigned misunderstood Student's motion and that Student only wished to add additional parties through the amended complaint. Student argues that, "[a]t no point did [Student's motion] request, imply, or suggest the dismissal of the

original complaint. Any interpretation to the contrary is a clear misreading of the Student's intent and must be corrected."

Through his motion, Student seeks the following relief: "[c]larify that the August 5, 2025 Order should be interpreted to accept the amendment adding [Desert Mountain Special Education Local Plan Area and Desert Mountain Children's Center] as co-respondents; [c]onfirm all claims, issues, and remedies in the original Due Process Complaint remain fully active and enforceable; [and] [e]nsure that the procedural rights of the Student, as set forth in the original Due Process Complaint, are preserved in full."

Taken as a whole, Student's motion seeks to change the outcome of the August 5, 2025 Order, rather than merely seeking clarification as to its interpretation. Accordingly, Student's document entitled "Motion for Clarification of the August 5, 2025 Order Issued by OAH in Response to Student" is treated as a motion for reconsideration.

The Office of Administrative Hearings, called OAH, did not receive a response from Adelanto, Desert Mountain Special Education Local Plan Area, called SELPA, or Desert Mountain Children's Center.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Student filed his motion within a reasonable time after the initial Order was issued. However, Student offers no new facts, circumstances or law to support reconsideration. As discussed below, Student's request for reconsideration is denied.

The authority Student provides consists largely of appellate cases outside the Ninth Circuit and not pertaining to special education due process matters. As such, these decisions are not binding on OAH and are not otherwise persuasive. The legal authority Student cites that does appear to be relevant to special education due process matters before OAH is highly problematic, because of incorrect citations and misrepresentations over the content of those citations.

For example, Student argues that Education Code section 56505, "[e]stablishes that parents have the right to file Due Process Complaints and request amendments, including adding co-respondents, without affecting the rights or claims in the original complaint." However, Education Code section 56505 governs the manner in which due process proceedings are to be conducted within the State of California. Education Code section 56502, subdivision (e) governs a party's right to amend a due process complaint. However, that code section does not authorize amendments "without affecting the rights or claims in the original complaint" as Student asserts.

Student also argues that title 5, part 3084.1 of the California Code of Regulations, "allows an Administrative Law Judge (ALJ) to clarify, correct, or modify an order to reflect the parties' true intent and prevent errors affecting substantive rights." However, following a diligent search, the undersigned cannot find such a regulation.

Student also cites "W.G. v. Board of Trustees of Target Unified School District", with the citation "960 F.Supp.2d 1182 (C.D. Cal. 2013)." Student asserts that case stands

for the proposition that "that parents may amend complaints without limiting the scope of the original allegation," and "any 'motion to amend' should be integrated into the record without replacing the original complaint." However, no such case exists. The citation to "960 F.Supp.2d 1182" is to a case from a District Court in New Mexico, related to a criminal defendant's right to a jury trial. This case is not relevant to special education due process proceedings, nor is it from the District Court for the Central District of California, as Student's citation would suggest.

Assuming Student meant to cite to *W.G. v. Board of Trustees of Target Range School District, No. 23*, that case originated in a District Court in Montana, in 1991, later decided on appeal by the Ninth Circuit in 1992. (*W.G. v. Board of Trustees of Target Range School District, No. 23* (9th Cir. 1992) 960 F.2d 1497.) However, this case does not discuss amending a due process complaint or otherwise stand for the position Student claims it does.

Student also cites a case "K.D. v. Department of Education" with a citation "2009 WL 2875565." This citation is not for a case entitled "K.D. v. Department of Education" but is for an appeal of a property tax finding before the State of Washington Board of Tax Appeals. Assuming Student meant to cite *K.D. ex. Rel. C.L. v. Department of Education of Hawaii* (9th Cir. 2011) 665 F.3d 1110, that case also does not stand for the position Student claims it does.

Additional portions of Student's motion appear to be copied from a resource, such as an artificial intelligence program. These sections included three bullet points under a case citation, entitled, "Fact," "Ruling," and "Application to your case."

OAH has already cautioned the parties against the use of artificial intelligence programs. This notice was included in the original scheduling order OAH issued on June

3, 2025, and on August 6, 2025, following the filing of Student's amended complaint. The admonishment is repeated in full below.

Although the use of ChatGPT and other generative artificial intelligence, hereafter AI, tools are not prohibited, unqualified reliance on such tools may result in filings "replete with misrepresentations and fabricated case law." (See *Grant v. City of Long Beach* (9th Cir. 2024) 96 F.4th 1255, 1256.) Parties and attorneys are responsible for providing OAH and the other side with complete and accurate representations in any document submitted, such as a complaint, motion, or hearing exhibit. The parties and attorneys must at all times personally confirm for themselves the accuracy of any content generated by these AI tools before submitting the document. Accordingly, failure to exercise adequate care in reviewing and filing documents created with the assistance of generative AI tools may expose the party or attorney to sanctions. (Cal. Code. Regs., tit. 5, § 3088, subds. (a) & (e); Gov. Code, § 11455.30, subd. (a), and Code Civ. Proc., § 128.5.)

The errors discussed above regarding Student's legal citations, and misrepresentations of case outcomes, are consistent with those demonstrated by AI tools. The parties are on notice that any further failure to check the validity of citations, or submission of incorrect or incomplete citations may result in sanctions.

Despite the problems with Student's legal citations, Student's argument that an original complaint survives the filing of an amended complaint is not supported by law. The United States Supreme Court recently observed that, "[i]f a plaintiff amends her complaint, the new pleading 'supersedes' the old one: The 'original pleading no longer performs any function in the case.'" (*Royal Canin U.S.A., Inc. v. Wullschleger* (2025) 604 U.S. 22, 35; 145 S.Ct. 41, 52 [internal citations omitted].) The Court continued, "changes in parties, or changes in claims, effectively remake the suit." (*Id.*) Accordingly, Student's

amended complaint replaces the original complaint as the operative complaint, as explained in OAH's August 5, 2025 Order.

Student is not without recourse, should he wish to include the claims and issues in his original complaint. As explained in the August 5, 2025 Order, Student may file another motion to amend his complaint and a second amended complaint stating all claims Student seeks to bring to a due process hearing. Student must comply with the applicable filing requirements and timelines. (20 U.S.C. §1415(c)(2)(E)(i); Ed. Code § 56502, subd. (e).)

If Student files another motion to amend his due process complaint, Student shall file a separate motion, and a separate second amended complaint. That second amended complaint shall include all claims he wishes to bring against all parties he wishes to name, in one single document. Student should consider listing each claim he wishes to bring in a separate section, with facts relevant to that particular claim, and proposed resolutions related to that claim, to facilitate the parties' understanding of Student's claims and relief sought.

If Student chooses to file another motion to amend, Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center, may respond to that motion within three business days.

ORDER

1. Student has not established the August 5, 2025 Order should be reconsidered.
2. The motion for reconsideration is denied.
3. All dates set in this matter are confirmed.
4. This Order does not prevent Student from filing another motion to amend, and a second amended complaint.

5. The parties are on notice that any further failure to check the validity of citations, or submission of incorrect or incomplete citations, may result in sanctions.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings