BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017040667
v.	ORDER DENYING MOTION TO AMEND COMPLAINT WITHOUT PREJUDICE
IRVINE UNIFIED SCHOOL DISTRICT.	

On April 12, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Irvine Unified School District. On August 24, 2017, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No response was received from District. Pursuant to the May 23, 2017 continuance order, the prehearing conference in this matter is scheduled for 10:00 a.m., on August 28, 2017, and hearing on September 6 and 7, 2017.

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).)

The motion to amend the complaint is denied as Student's proposed amended complaint merely reorganizes the issues as to the April 10, 2017 individualized educational program and events leading up to that IEP team meeting. Student's motion appears to be an attempt to seek a continuance in this matter, especially as Student's attorney is scheduled for two hearings the week after this matter is scheduled for hearing in OAH Case Nos. 2017060656 and 2017010036. Further, Student's counsel has been previously admonished for filing an amended complaint that was more designed as a continuance request. (OAH Case No. 2017050484, July 13, 2017 Order Vacating Order to Show Cause.) Therefore, the motion to amend is denied without prejudice. All previously set dates shall remain on calendar, except that the prehearing conference shall now be at 3:00 p.m. on August 28, 2017. Student may refile the amended complaint, which shall include notations

as to changes in the amended complaint from the original complaint and a declaration from Student's counsel why the amended complaint was not filed sooner as three months have elapsed since OAH granted the parties' continuance request.

IT IS SO ORDERED.

DATE: August 24, 2017

DocuSigned by:
Peter Paul Castillo
F0BCD8A8A62C4E9...

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings