BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT, MOUNTAIN EMPIRE UNIFIED SCHOOL DISTRICT, GROSSMONT UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017100067 ORDER DENYING MOTION TO AMEND COMPLAINT WITHOUT PREJUDICE

On September 29, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming San Diego Unified School District, Mountain Empire Unified School District and Grossmont Union High School District. On October 27, 2017, Student filed a Motion for Leave to File a First Amended Request for Hearing. No opposition was received from San Diego Unified School District, Mountain Empire Unified School District or Grossmont Union High School District.

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 motion was timely, however, Student did not file a proposed first amended complaint or the Declaration of Patricia Lewis, which is referred to in Student's motion as support.

The motion to amend the complaint is denied without prejudice to timely refiling the motion to amend with the referenced declaration and a proposed amended complaint.

IT IS SO ORDERED.

DocuSigned by:
Christine Arden
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DATE: November 06, 2017

CHRISTINE ARDEN
Administrative Law Judge
Office of Administrative Hearings