

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015010200

ORDER DENYING MOTION TO
AMEND COMPLAINT; ORDER
REPLACING FIRST PAGE OF
STUDENT'S COMPLAINT

On January 5, 2015, Student filed a Due Process Hearing Request (complaint), naming the Beverly Hills Unified School District. On January 8, 2015, Student filed a request to amend her complaint. Student explains that her original complaint inadvertently misidentified her parents on the first page. The only thing Student wishes to do by way of her proposed amended complaint is to properly identify her parents. Student has not added, deleted, or changed any of the issues presented in her complaint.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

In this case, Student is merely correcting a typographical error rather than amending the allegations presented in her complaint. For this reason, her motion to amend is denied. However, OAH shall replace the first page of the original complaint with page one of the proposed amended complaint in order to maintain a clear record of the proper parties to this case.

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.

All dates shall remain as presently calendared.

IT IS SO ORDERED.

DATE: January 16, 2015

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings