

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**MONTEREY COUNTY OFFICE OF EDUCATION.
OAH CASE NUMBER 2019081091**

ORDER DENYING MOTION TO AMEND COMPLAINT

On August 28, 2019, Parent on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Monterey County Office of Education. The Office of Administrative Hearings is referred to as OAH. On September 5, 2019, Student filed an amended complaint naming Salinas City Elementary School District. Student's filing of an amended complaint will be treated as motion to amend his complaint. No opposition was received from Monterey County or Salinas City.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 amended complaint does not raise new claims, but simply names in its caption a different local educational agency, Salinas City Elementary, instead of Monterey County. However, the claims raised in amended complaint remain against Monterey County only, not Salinas City Elementary. Accordingly, Student's motion to amend his complaint is denied. Student may move to amend his complaint to clearly identify the local educational agency or agencies, he contends denied him a free appropriate public education.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: A parent without an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Student's motion to amend his complaint is denied.

DATED: September 13, 2019

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings