

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
DEL MAR UNION SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021070966
OAH CASE NUMBER 2021050853

ORDER DENYING MOTION TO AMEND COMPLAINT

SEPTEMBER 7, 2021

On May 26, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Del Mar Union School District as respondent. The Office of Administrative Hearings is referred to as OAH. On July 28, 2021, Del Mar filed a complaint with OAH naming Student as respondent. On August 5, 2021, OAH granted Del Mar's Motion to Consolidate. At the time of the consolidation, the hearing was continued to September 8, 2021.

On September 3, 2021, Student filed a Motion to Amend the Due Process Hearing Request, an amended complaint, and Del Mar's written consent to Student's amended complaint.

The motion to amend is untimely. The Scheduling Order issued in this case stated in relevant part that, "[e]ach party is required to submit a Prehearing Conference Statement at least 3 business days before the Prehearing Conference," and that, "[a]ny prehearing motion is due to OAH no later than the date the prehearing conference statements are due or show good cause why it was not possible to file the motion by that date." The prehearing conference proceeded and no motion to amend was filed. Thereafter, the Orders Following Prehearing Conference further specified that, "[a]ny motion that was not filed three business days before the PHC, shall be supported by a declaration under penalty of perjury establishing good cause why the motion was not timely filed." The parties did not provide good cause why this motion was not filed three days before the prehearing conference that was held on August 30, 2021. Therefore, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings