

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

SAN GABRIEL UNIFIED SCHOOL DISTRICT.  
OAH CASE NUMBER 2021110026

ORDER DENYING MOTION TO AMEND COMPLAINT

NOVEMBER 9, 2021

On October 29, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Gabriel Unified School District. The Office of Administrative Hearings is referred to as OAH. On November 3, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. San Gabriel did not respond to Student's motion.

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).)

Student filed the Motion to Amend for the sole purpose of correcting a typographical error in Parent's name. Student did not make any other changes to the complaint, did not add any factual allegations, and did not add or change any issues. Additionally, OAH noticed the typographical error and has Parent's name spelled correctly. The Scheduling Order that OAH served on November 1, 2021, lists Parent's name correctly. Therefore, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

*Linda Johnson*

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings