

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

HAWTHORNE SCHOOL DISTRICT.
OAH CASE NUMBER 2021120231

ORDER DENYING MOTION TO AMEND COMPLAINT

FEBRUARY 17, 2022

On December 7, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Hawthorne School District. The Office of Administrative Hearings is referred to as OAH. On February 11, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Hawthorne School District.

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's proposed first amended complaint states additional factual allegations regarding a failure to implement goals from an unidentified "current" individualized education program. Student has not proposed amendments to either the issues for hearing or resolutions. Allowing the amendment would impact timely resolution of the matter, without substantively changing Student's ability to litigate issues already raised. Therefore, the motion to amend is denied. All dates shall remain on calendar.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings