BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026081157

ORDER DENYING MOTION TO AMEND COMPLAINT

OCTOBER 19, 2026

On August 26, 2026, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming the Santa Monica-Malibu Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 15, 2026, Student filed a Motion to Amend the Due Process Hearing Request and a proposed amended complaint. Santa Monica-Malibu filed an opposition on October 19, 2026.

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 latter provision forbids a hearing officer from granting a motion to amend five days or less before the hearing, absent the other party's consent.

The motion to amend the complaint is not timely for several reasons, but primarily because the due process hearing date is set within five days from the date that any response to Student's motion could be filed or any ruling could be issued, and there is no written consent to amendment. Therefore, the motion to amend is denied. All dates shall remain on calendar.

Additionally, serial filings are permitted in special education due process hearings. Thus, should Student wish to file a new complaint on the issues outside the scope of this hearing, nothing prevents Student from filing a new case. Alternatively, should Student wish to proceed on all issues raised in the amended complaint, nothing prevents Student from dismissing the pending case and filing a new complaint that includes all of Student's contested issues. OAH generally grants such motions to dismiss without prejudice if made before the hearing begins, but only with prejudice after it begins.

IT IS SO ORDERED.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings