BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110289 ORDER DENYING MOTION TO AMEND COMPLAINT

On October 20, 2016, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Tehachapi Unified School District. On March 3, 2017, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). On March 3, 2017, District filed a conditional non-opposition to Student's motion. The hearing in this matter is scheduled to begin on March 7, 2017.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to 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 motion to amend the complaint is not timely because the due process hearing date is set within five days from the date the motion to amend was filed with OAH. Further, Student seeks to add an issue that Student dismissed at the February 27, 2017 Prehearing Conference. Therefore, the motion to amend is denied. All previously set dates shall remain on calendar.

IT IS SO ORDERED.

DATE: March 6, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings