BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018050914 ORDER DENYING MOTION TO AMEND COMPLAINT WITHOUT PREJUDICE

On May 21, 2018, Student filed a Due Process Hearing Request (complaint) naming Antioch Unified School District as respondent. On July 3, 2018, Student filed a Motion to Amend the Due Process Hearing Request with a proposed attachment to the due process complaint already on file. The amendment was not a complete amended complaint in that it. Furthermore, the proposed attachment did not indicate which information supplemented the old complaint and which information supplanted previously submitted allegations. No information regarding the Student, Parents or school district contacts were included. No opposition to the motion to amend was received from Antioch.

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).) As an amended complaint is tantamount to filing a new complaint, any amended complaint must meet all of the requirements of an original complaint.

Student did not file a single proposed amended complaint. The law permits, "[A]n amended complaint," to be filed, not an attachment or addendum to an originally filed complaint. (20 U.S.C. §1415(c)(2)(E); Ed. Code 56502(e).) As a result, the motion to file the amendment is DENIED without prejudice.

IT IS SO ORDERED.

DATE: July 20, 2018

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings