

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011030599

ORDER DENYING MOTION TO
AMEND COMPLAINT

On March 09, 2011, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming San Diego Unified School District (District) as respondent. On March 15, 2011, Student filed an Opposition to District's motion to vacate expedited status. As part of his opposition, Student included an amended complaint. This opposition is deemed to be a request for leave to file an amended complaint. The amended complaint reads identical to the complaint with the addition of a request for a stay put order. As of this date, no response has been received from the District.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

Because the amended complaint contains no different facts and a stay put order can be obtained by motion, allegations, or proposed resolutions, there is no reason to permit the filing of the amended complaint. Therefore, Student's request to file an amended complaint is DENIED.

IT IS SO ORDERED.

Dated: March 16, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings