

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030441

ORDER DENYING MOTION TO
AMEND COMPLAINT

On March 9, 2016, Parents on behalf of Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming the Torrance Unified School District. In an order dated March 29, 2016, OAH found all three issues in Student's complaint to be sufficient.

Parents filed an identical complaint on behalf of Student's sibling. In an order dated March 29, 2016, OAH found issue two of Sibling's complaint to be insufficient. Sibling was given 14 days to file an amended complaint.

On April 4, 2016, Parents filed identical notices of amended complaints in Student's case and in Sibling's case. Each of the amended complaints seeks to amend issue two of the original complaint.

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).)

Although Student's motion to amend is timely, it is unclear if Student really seeks to amend her complaint. Unlike the order in Sibling's case, all of the issues in Student's original complaint were determined to be sufficient. Student's motion to amend is therefore

denied without prejudice. If Student is, in fact, seeking to amend her complaint, she may refile her motion to amend along with a declaration from Parents stating that they intended to

move to amend Student's complaint. Further, Student needs to file an entire complaint that includes all issues that Student wishes to be heard against District.

IT IS SO ORDERED.

DATE: April 8, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings