

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012110297

ORDER DENYING WITHOUT
PREJUDICE STUDENT'S MOTION TO
AMEND COMPLAINT

On November 6, 2012, Student filed a Due Process Hearing Request (complaint), naming the Acalanes Union High School District (District). On December 3, 2012, Student filed a letter asking that his complaint be amended to change a date in Student's issue one (b). It is apparent from the original complaint and Student's request to amend, that the date originally indicated in issue one (b) was a typographical error. Student's letter also requests that the word "or" be added to his original complaint between issues one (f) and one (g), and one (i) and one (j). The District has not filed a response to Student's request to amend.

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).)

Generally, when a party seeks to amend his or her complaint, the party must file a complete, new pleading incorporating the requested amendments. (Cal. Code Regs., tit. 1, § 1014, subd. (a).) Here, Student has not filed a complete, new pleading incorporating any new allegations. Student has merely filed a letter asking that his original complaint be corrected. Student's motion to amend is therefore denied without prejudice.²

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

² The ALJ notes that Student's motion to amend actually appears to be simply a motion to correct typographical errors in Student's original complaint. If that is the case, Student may simply file a notice of errata to indicate those typographical errors he wishes to correct.

IT IS SO ORDERED.

Dated: December 12, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings