

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

AVESON SCHOOL OF LEARDERS.

OAH Case No. 2014090726

ORDER DENYING MOTION TO
AMEND COMPLAINT

On September 18, 2014, attorney Georgiana Junco-Kelman, on behalf of Student, filed a Due Process Hearing Request (complaint), naming Aveson School of Leaders. On September 26, 2014, Student filed a Motion for Leave to File a First Amended Complaint (amended complaint). No opposition was received from Avenson.

APPLICABLE LAW AND DISCUSSION

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).)

In determining whether a party should be allowed to file an amended complaint, the Administrative Law Judge must determine whether the moving party has provided good cause for filing the amendment. In the case at hand, the amended complaint does not include any substantive changes. A line-by-line comparison of the two pleadings reveals that the only changes made to the amended complaint are corrections of typographical errors and grammatical changes. These types of changes do not constitute good cause to amend a complaint. As Student has failed to demonstrate good cause for the filing of an amended complaint, Student's motion to amend the complaint is denied.

In the event that Student chooses to file a subsequent motion to amend, Student's motion should cite directly to the proposed changes by providing the changes' page and line numbers.

ORDER

1. The motion to amend is denied.
2. The dates set for mediation, prehearing conference, and due process hearing are confirmed.

DATE: October 3, 2014

/s/

ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings