BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. HAYWARD UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017120638 ORDER GRANTING MOTION TO AMEND NON-EXPEDITED COMPLAINT

On December 14, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Hayward Unified School District. This complaint raised expedited and non-expedited claims and was scheduled for both expedited and non-expedited hearing dates. On January 26, 2018, the hearing on Student's expedited claim concluded and the matter was submitted for decision. The non-expedited matter is scheduled for hearing beginning February 13, 2018.

On January 30, 2018, Student filed a Motion to Amend the Due Process Hearing Request along with a proposed amended complaint seeking to add additional non-expedited claims. On February 1, 2018, Hayward filed a non-opposition to Student's motion to amend her non-expedited claims. On February 2, 2018, Student filed a notice of intent to maintain her expedited claim which is pending decision.

APPLICABLE LAW

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).)

DISCUSSION

Based on recently discovered information, Student seeks to amend her complaint to include two additional non-expedited claims regarding Hayward's alleged failure to conduct comprehensive evaluations of Student and to timely assess and provide Parent with prior

written notice and a notice of procedural safeguards. The motion to amend is timely, unopposed, and is granted.

ORDER

1. Student's motion to amend her non-expedited complaint is granted.

2. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: February 2, 2018

DocuSigned by:
Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings