BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. PLEASANTON UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017110830 ORDER GRANTING MOTION TO AMEND COMPLAINT, DENYING MOTION TO DISMISS AND DENYING MOTION COMPELLING RESPONSE

On November 17, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Pleasanton Unified School District as respondent. On December 26, 2017, Pleasanton filed a motion to dismiss claims in Student's complaint that exceeded the two-year statute of limitations. On December 27, 2017, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) and also filed a response to Pleasanton's motion to dismiss asserting that the motion to dismiss was moot due to her request to file an amended complaint. On December 28, 2017, Student filed a motion to compel Pleasanton to file a response to the complaint and on that same date Pleasanton filed a notice of non-opposition to Student's motion to amend her complaint.

Motion to Amend 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).) Here, the case was scheduled for hearing on January 11, 2018. Student's motion to amend her complaint is timely and is GRANTED.

Motion to Dismiss Claims Exceeding the Two-Year Statute of Limitations

Pleasanton's motion to dismiss claims in the original complaint was made moot by filing of Student's amended complaint. Therefore, Pleasanton's motion to dismiss issues that exceed the two-year statute of limitations in Student's original complaint is DENIED.

Motion to Compel Response by Pleasanton

Student's motion to compel a response to the original complaint is moot based on the order granting Student motion to file an amended complaint. Therefore, Student's motion to compel Pleasanton's response to the original complaint is DENIED.

Previously Scheduled Dates Vacated

The amended complaint shall be deemed filed on the date of this order. All previously scheduled dates are vacated. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: January 2, 2018

DocuSigned by:
Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings