BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. HUNTINGTON BEACH CITY SCHOOL DISTRICT.	OAH Case No. 2016040336 ORDER GRANTING MOTION TO AMEND COMPLAINT

On April 1, 2016, Student filed a Due Process Hearing Request (complaint), naming Huntington Beach City School District. On September 7, 2016, Student filed a motion to amend the complaint (amended complaint). Huntington Beach filed a notice of non-opposition to Student's motion.

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).)

Student seeks to amend her complaint by adding an additional issue, namely whether the District denied Student a free appropriate public education by failing to make an appropriate offer of placement, services, and goals via its September 2, 2016 individualized education program. The issue was not pled in the complaint because the September 2, 2016 IEP team meeting had not occurred at the time the complaint was filed. The motion to amend is timely and is granted. 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: September 16, 2016

DocuSigned by:
10818D502AB344C...

DENA COGGINS
Administrative Law Judge
Office of Administrative Hearings