BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017061033
v.	ORDER GRANTING MOTION TO AMEND COMPLAINT AND DENYING MOTION TO QUASH SUBPOENA DUCES TECUM
ANTIOCH UNIFIED SCHOOL DISTRICT.	

On June 22, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Antioch Unified School District. On November 1, 2017, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from Antioch.

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).)

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.

On October 30, 2017, Student filed a Motion to Quash Antioch's Subpoena Duces Tecum. On October 3, 2017, Antioch filed an opposition to Student's Motion to Quash. Student's Motion to Quash is denied as moot due to the granting of the Motion to Amend. Antioch's subpoena is no longer valid due to amended complaint.

IT IS SO ORDERED.

DATE: November 6, 2017

DocuSigned by:
Rita Defilippis
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RITA DEFILIPPIS
Administrative Law Judge
Office of Administrative Hearings