BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT AND SAN BERNADINO COUNTY SUPERINTENDANT OF SCHOOLS.	OAH CASE NO. 2013100045 ORDER GRANTING MOTION TO AMEND

On September 30, 2013, Student filed a Due Process Hearing Request (complaint), naming Yucaipa-Calimesa Joint Unified School District (District). Sometime after Student served District the complaint, District notified Student that the San Bernadino County Superintendent of Schools (SBCSS) should be a respondent due to its responsibility for the implementation of deaf and hard of hearing (DHH) services for District's Students, which is the subject of Student's complaint. At the mediation in this matter, a representative of SBCSS attended at District's invitation.

On January 15, 2014, Student moved to amend the complaint. Student amended the pleading caption to add SBCSS, but otherwise, as is customary, did not identify what, if any, matters were added to the amended complaint. On January 21, 2014, District filed its non-opposition to Student's amended pleadings confirming its consent to add SBCSS as a party, and offering that the pleading was not otherwise modified. Student's amended complaint adds SBCSS as a party, and also updates the allegations regarding District's or SBCSS's failure to provide services to the date of filing the amended 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).)

District consented to the amended complaint, and the motion to amend is granted. The amended complaint shall be deemed filed on the date of this order. SBCSS shall be added to the caption and service list of this action. 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.

Dated: January 23, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings