BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PIEDMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023010391

ORDER GRANTING MOTION TO AMEND COMPLAINT

MARCH 23, 2023

On January 17, 2023, Parents on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Piedmont Unified School District. The Office of Administrative Hearings is referred to as OAH. On March 17, 2023, Student filed a motion to amend the complaint, supported by the declaration of Student's attorney with an attached proposed amended complaint. No opposition was received from Piedmont. The due process hearing is scheduled to begin on April 18, 2023.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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, Student original complaint alleges that despite Student's need for special education in earlier grades, and Student's declining academic and language performance, Piedmont failed to assess Student for special education eligibility. Student alleged that Piedmont failed in its child find obligations and seeks compensatory education. In the amended complaint, Student adds additional related claims that Piedmont failed to timely assess Student after Parents' request and denied Parents participation in the IEP process by failing to hold an IEP team meeting at Parents' request to consider a private speech assessment report.

The motion to amend was filed more than five days prior to the due process hearing. Therefore, it 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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings