BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017080513 ORDER GRANTING SECOND MOTION TO AMEND COMPLAINT

On August 10, 2017, Parent on behalf of Student, filed a Due Process Hearing Request (compliant) with the Office of Administrative Hearings, naming Antioch Unified School District. On November 13, 2017, Student filed a first motion to amend the compliant. Antioch did not oppose Student's first motion to amend complaint. This request was granted on November 27, 2017. Student filed a second request to amend the complaint with OAH on January 16, 2018. Antioch, again, was not opposed 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).)

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. The amended complaint contains both expedited and non-expedited issues. OAH will issue a scheduling order with both expedited and non-expedited dates.

IT IS SO ORDERED.

DATE: January 19, 2018

DocuSigned by:
Tiffany Gilmartin
4D0D50BAEB74A1...

TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings