BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016030817
v.	ORDER GRANTING MOTION TO AMEND COMPLAINT
CONEJO VALLEY UNIFIED SCHOOL DISTRICT.	

On March 1, 2016, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, Conejo Valley Unified School District. On April 29, 2016, OAH granted the parties joint request for a continuance. On August 3, 2016, Student filed a motion to amend the due process hearing request (amended complaint).[1] On August 3, 2016, District filed a notice of non-opposition to Student's request to file a first amended complaint, acknowledging that all applicable timelines would be consequently reset.

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).)

Here, the initial complaint concerned the failure of District to assess, find Student eligible for special education, and provide a free appropriate public education. The proposed amended complaint adds allegations relevant to Student's initial IEP team meeting and the appropriateness of District's offer of FAPE.

[1] Student filed an Amended Request for Due Process Hearing, which OAH will treat as a motion to amend.

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: August 04, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings