

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WASHINGTON UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NO. 2019030120

ORDER GRANTING MOTION TO AMEND COMPLAINT

On March 4, 2019, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Washington Union Elementary School District. On March 5, 2019, Student filed a second Due Process Hearing Request which OAH has deemed an amended complaint. Student did not file a motion to amend nor did he change the caption of the complaint to reflect an amended complaint. Washington did not respond to 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).)

Although filing an amended complaint is unnecessary if the only change is to the proposed resolutions as a student is only required to plead proposed resolutions known at the time, here Student also included new allegations pertaining to an exception to the statute of limitations. Therefore, the amended complaint 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: March 12, 2019

LINDA JOHNSON

Administrative Law Judge

Office of Administrative Hearings