

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013010615

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On January 22, 2013, Student filed a ‘Notice of Objection to [District’s] Petition . . . and Motion to transfer disabled student to another school, and have a 1-on-1, [and] AAC device...’ which OAH deemed to be a Due Process Hearing Request (complaint), naming District. OAH served a Scheduling Order on the parties. On January 30, 2013, Student filed a Request for Mediation and Due Process Hearing, which OAH deems to be an amended complaint, and a Request to Amend the complaint, as the facts and allegations are virtually identical, but with corrected titles and captions. District filed an objection to the Student’s original complaint, which it refers to as ‘the Motion’, on the grounds that the document filed would require a Due Process Hearing

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).)¹ 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 filed a timely amended complaint, as it was more than five days before the due process hearing. Student’s amended complaint alleges violations of FAPE, that when Student was placed on home hospital placement and received tutoring, that District failed to provide speech and language services. Student requests the proposed resolution of a change of placement, the support of a one to one aide, and an AAC device. The motion to amend is granted.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

ORDER

1. The amended complaint shall be deemed filed on the date of this order.
2. All applicable timelines shall be reset as of the date of this order.
3. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: February 11, 2013

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings