

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2013080664

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 19, 2013, Christian M. Knox, Attorney at Law, representing Parent and Student, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint) naming the Roseville Joint Union High School District (District). This matter is currently scheduled for hearing beginning on October 14, 2013. On September 30, 2013, Student filed a Motion to Amend Complaint along with a proposed amended complaint. OAH has not received a response from the District.

APPLICABLE LAW

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).)

DISCUSSION

Student seeks to amend his complaint to include issues that have arisen since the filing of the initial complaint. Specifically, Student now alleges that the District's most recent offer in September 2013 of an interim placement is not appropriate, and that the District denied him a free appropriate public education during the 2012-2013 and 2013-2014 school years by failing to adequately identify his eligibility, failing to provide an adequate transition plan, failing to maintain educational records, and failing to assess him during the 2012-2013 school year in the added areas of processing, transition and mental health. Student identifies as an additional remedy, independent educational evaluations in these three areas.

Student's motion to amend is timely and is granted.

ORDER

1. Student's motion to amend is granted. 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. OAH will issue a scheduling order with the new dates.

Dated: October 4, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings