

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013050798

ORDER FOLLOWING PREHEARING
CONFERENCE GRANTING
STUDENT'S SECOND MOTION TO
AMEND

On October 14, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Theresa Ravandi, Office of Administrative Hearings (OAH). Eileen Matteucci and Daniel Torres, Attorneys at Law, appeared on behalf of Parent on behalf of Student (Student). Diane Beall, Attorney at Law, appeared on behalf of the Stockton Unified School District (District). The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following order:

1. Second Motion to Amend Complaint. This matter is currently set for hearing beginning on October 22, 2013. On October 11, 2013, Student filed a Second Motion to Amend Due Process Complaint along with a second amended complaint. Student seeks to further amend his complaint to include new claims regarding individualized education program (IEP) team meetings held in August and September 2013, and related IEP offers made subsequent to the filing of his first amended complaint. The District does not object to the filing of the second 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).)

The motion to amend is timely and is granted. The second 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.

Dated: October 14, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings