

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013040952

v.

SANTA CRUZ CITY SCHOOL DISTRICT,

SANTA CRUZ CITY SCHOOL DISTRICT,

OAH CASE NO. 2013080941

v.

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

PARENT ON BEHALF OF STUDENT.

On April 22, 2013, Parents on behalf of Student filed a Due Process Hearing Request (complaint), naming Santa Cruz city School District. On August 27, 2013, District filed complaint naming Parent on behalf of Student. On September 10, 2013, OAH granted District's motion to consolidate Student's case and District's case. The due process hearing in the consolidated matters is scheduled to begin on November 12, 2013.

On October 25, 2013, Student through his attorney filed a Motion to Amend the Due Process Hearing Request (amended complaint). The motion was supported by a declaration under penalty of perjury from Student's attorney and exhibits, including an amended complaint. Exhibit B to the motion was a copy of an email exchange between Student's attorney and District's attorney, in which District's attorney stated that District would not oppose Student's motion to amend the 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).)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).)

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

The motion to amend Student's complaint, which is unopposed, is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines in the consolidated matter 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: November 1, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings