

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

POWAY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2014020186

ORDER GRANTING MOTION TO
AMEND COMPLAINT; ORDER
RULING ON STUDENT'S REQUEST
FOR CONTINUANCE

On February 5, 2014, the Poway Unified School District filed a due process hearing request (complaint), naming Student and Student's parents (Student). On April 21, 2014, the district filed a motion to amend the complaint. Student has not filed any response to that motion, but on April 23, 2014, Student filed a request to continue the 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).) 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 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.

Because the due process hearing will be taken off calendar and the timelines will start over, there is no need to rule on Student's request for a continuance of the due process hearing. That request is moot.

IT IS SO ORDERED.

DATE: April 28, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings