

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT.

OAH Case No. 2014020175

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 4, 2014, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Ross Valley School District. On May 13, 2014, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). On May 15, 2014, District filed an opposition. On May 16, 2014, Student filed a reply brief.

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. While the closeness of Student's request to then hearing date of May 19, 2014, is concerning, the scheduling of the individualized education program team meeting for May 13, 2014, and District's IEP offer on that date, necessitated the filing of the amended complaint to include allegations as to that IEP that should be heard in one hearing. Therefore, 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.

IT IS SO ORDERED.

DATE: May 19, 2014

/s/

PETER PAUL CASTILLO

Administrative Law Judge

Office of Administrative Hearings