

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LIBERTY UNION HIGH SCHOOL
DISTRICT AND KNIGHTSEN
ELEMENTARY SCHOOL DISTRICT.

OAH Case No. 2014040525

ORDER FOLLOWING PREHEARING
CONFERENCE; AND GRANTING
MOTION TO AMEND DUE PROCESS
COMPLAINT

On June 2, 2014, a telephonic prehearing conference was held before Administrative Law Judge Adeniyi Ayoade, Office of Administrative Hearings. F. Richard Ruderman, Attorney at Law, appeared on behalf of Student. Jan E. Tomskey, Attorney at Law, appeared on behalf of Liberty Union High School District (Liberty), and Paul R. Gant, Attorney at Law, appeared on behalf of Knightsen Elementary School District (Knightsen). The PHC was recorded. Based on discussion of the parties, the ALJ issues the following order:

Motion to Amend the Complaint

On April 9, 2014, Parents on behalf of Student (Student), filed a Request for Due Process Hearing (complaint) naming both Liberty and Knightsen. On May 29, 2014, Student, through his attorney, filed a motion to amend the complaint, and submitted an amended Request for Due Process Hearing (amended complaint). At the prehearing conference, both Liberty and Knightsen indicated that they have no opposition to the motion to amend.

APPLICABLE LAW AND DISCUSSION

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); Ed. Code, § 56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii); Ed. Code, § 56502, subd. (e).) In a student-filed case, these timelines include a new resolution session period. (Ed. Code, § 56501.5.)

The due process hearing in this matter is currently scheduled to begin on June 10, 2014. Student's motion to amend the complaint is timely, unopposed and is granted.

ORDER

1. Student's motion to amend the complaint is granted, and all applicable timelines are reset as of the date of this order.
2. All currently set dates in this matter are vacated.
3. The amended complaint shall be deemed filed on the date of this order, and the 45-day timeline for issuance of the decision in this matter shall be based on the date of this order.
4. OAH will issue a scheduling order with the new dates based on the timelines now reset pursuant to this order.

IT IS SO ORDERED.

DATE: June 4, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings