

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2014050135

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND COMPLAINT

On September 5, 2014, a telephonic prehearing conference (PHC) was held before Joy Redmon Administrative Law Judge, Office of Administrative Hearings. Attorney Natashe Washington appeared on Student's behalf. Attorney Shawn Olson Brown appeared on West Contra Contra Unified School District's behalf. Also present with Ms. Olsen Brown was attorney Alejandra Leon as an observer. The PHC was recorded.

Motion to Amend Complaint: On September 5, 2014, prior to commencing the PHC, Student filed a Motion to Amend his complaint accompanied by a First Amended Complaint. The motion seeks to add Oakland Unified School District as an additional party to this matter. Ms. Olsen Brown did not object to the Motion to Amend.¹

APPLICABLE LAW

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).) Filing an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ Ms. Olsen Brown requested to note for the record that the Motion to Amend was based on adding another party; however, the wording in the issues against West Contra Costa in the amended complaint is different than in the original complaint and she views the change as substantive. Ms. Washington stated her belief that the timeframe changed but the substantive allegation remained the same. The request and response are noted for the record only because no specific objection was raised.

DISCUSSION AND ORDER

The motion to amend is timely, unopposed, and is granted. The amended complaint shall be deemed filed on this order's date. All timelines shall be reset as of the date of this order. The Office of Administrative Hearings will issue a scheduling order with the new dates and caption identifying all parties.

IT IS SO ORDERED.

DATE: September 5, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings