

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014070176

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On June 27, 2014, Student filed a due process hearing request, naming Elk Grove Unified School District. On October 23, 2014, Student filed a motion to amend the due process hearing request (amended complaint). Elk Grove filed a response on October 28, 2014. Elk Grove did not oppose the amended complaint, but instead asked that the new hearing dates be scheduled as soon as possible and that a status conference be scheduled so that the parties “can discuss reasonable prompt resolution to the matter.”

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.

Elk Grove's request to set the new hearing date as soon as possible is denied. The statute requires that all applicable timelines for the hearing are restarted, including the resolution time period. Elk Grove's request for a status conference is also denied, as OAH does not set status conferences for the reason articulated by Elk Grove. The parties are able, and, in fact, encouraged to discuss reasonable, prompt resolution to this matter. A status conference is not the proper forum for such a discussion.

IT IS SO ORDERED.

DATE: October 29, 2014

/s/

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MARGARET BROUSSARD

Administrative Law Judge

Office of Administrative Hearings