

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015040885

v.

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT,

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT,

OAH Case No. 2015030258

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 4, 2015, San Mateo-Foster City School District filed a Request for Due Process Hearing naming Parent on behalf of Student. On April 16, 2015, Student filed a Request for Due Process Hearing naming San Mateo-Foster City. On May 13, 2015, the Office of Administrative Hearings granted San Mateo-Foster City's motion to consolidate the two matters and designated Student's case as the lead case. This matter is currently scheduled for hearing on June 11, 2015.

On June 1, 2015, Student filed a "Motion to Add One More Grievance to Due Process Hearing" which is considered a Motion to Amend. On June 2, 2015, San Mateo-Foster City filed a non-opposition to Student's motion conditioned on the hearing dates being re-set on or after August 25, 2015, due to summer vacation and counsel's pre-planned vacation out of the county. Given San Mateo-Foster City's conditional non-opposition, its response is treated as an opposition.

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

DISCUSSION

Student seeks to amend his complaint to include an additional allegation that during the 2014-2015 school year, beginning November 2014, San Mateo-Foster City denied Student a free appropriate public education by committing numerous procedural violations including: failing to consider Parents' requested amendments; failing to allow Parents to review Student's educational records; failing to allow Parents to observe Student in class and record this observation;¹ failing to reschedule individualized education program team meetings; failing to consider private evaluations; failing to contact private evaluators; and failing to provide prior notice of recommendations to change Student's placement. The motion to amend is timely and is granted.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.

2. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

DATE: June 3, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ This allegation is already contained in Student's initial complaint filed April 16, 2015.