

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2015030944

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 20, 2015, Student filed a Due Process Hearing Request (complaint), naming Burlingame Unified School district and San Mateo Union High School District. The due process hearing is currently scheduled to begin on June 30, 2015.

On May 29, 2015, Student filed a Motion for Leave to Amend the Due Process Hearing Request, seeking to remove Burlingame as a party to the action and to conform the issues and facts accordingly. However, Student failed to include an amended complaint with his motion. Subsequently, Student was informed by the Office of Administrative Hearings that Student needed to file an amended complaint in order for a ruling to be made on Student's motion.

On June 16, 2015, Student filed an amended complaint (amended complaint) alleging additional violations against San Mateo, eliminating Burlingame as a party, and eliminating the violations relating to Burlingame. No opposition has been received by San Mateo or Burlingame.

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 was filed within five days of beginning date of the due process hearing. Therefore, Student's motion 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.

IT IS SO ORDERED.

DATE: June 19, 2015

/s/

B. ANDREA MILES

Administrative Law Judge

Office of Administrative Hearings