

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT; WALNUT VALLEY UNIFIED
SCHOOL DISTRICT; ALTA
CALIFORNIA REGIONAL CENTER.

OAH Case No. 2015030166

ORDER GRANTING MOTION TO
FILE SECOND AMENDED
COMPLAINT AND DENYING
MOTION TO DISMISS ISSUE SEVEN

On February 27, 2015, Parents on behalf of Student filed with the Office of Administrative Hearings a Due Process Hearing Request (complaint), naming Sacramento City Unified School District as respondent.

On June 22, 2015, Student filed a motion with OAH to file a first amended complaint (FAC) naming Sacramento as respondent. On June 22, 2015, OAH granted Student's motion.

On June 30, 2015, Sacramento filed a motion to dismiss Issue Seven of the FAC. Issue Seven alleges that Sacramento has denied Student a free appropriate public education for school year 2015-2016 by failing to offer Student an appropriate placement. Sacramento contends that it not the local education agency responsible for providing special education services to Student since she was placed in a residential facility in southern California by the Alta California Regional Center.

On July 2, 2015, Student filed with OAH a request for an extension to file an opposition to Sacramento's motion.

On July 7, 2015, Student filed a motion to file a second amended complaint (SAC) naming Sacramento, Alta California, and the Walnut Valley Unified School District as respondents. The SAC re-alleges Issues One through Six. In Issue Seven, Student alleges that all three respondents have failed to provide Student with a FAPE during 2015 extended school year; while in Issue Eight; she alleges that the all respondents have failed to provide her a FAPE for school year 2015-2016.

No opposition has been received by OAH as to Student's motion to file the SAC.

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).)¹ 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 file the SAC is timely and is granted. The SAC shall be deemed filed on July 15, 2015. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. Student is directed to serve the SAC on Alta California and Walnut Valley forthwith.

Because of the filing of the SAC, Sacramento's motion to dismiss Issue Seven is denied as moot

IT IS SO ORDERED.

DATE: July 15, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.