

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

MONTEREY PENINSULA UNIFIED
SCHOOL DISTRICT, CALIFORNIA
DEPARTMENT OF EDUCATION, AND
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES.

OAH Case No. 2015080011

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 28, 2015, Parents on behalf of Student filed with the Office of Administrative Hearings a Due Process Hearing Request (complaint), naming Monterey Peninsula Unified School District and California Department of Education.

On August 26, 2015, Student filed a Motion to File an Amend the Due Process Hearing Request and a proposed Amended Complaint (amended complaint). Student seeks to file an amended complaint to add as a party the California Department of Social Services. No opposition was received.

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).)

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

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.

IT IS SO ORDERED.

DATE: September 3, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings