

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**SAN JOSE UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2019070533**

ORDER GRANTING MOTION TO AMEND COMPLAINT

On July 14, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Jose Unified School District. The Office of Administrative Hearings is referred to as OAH. This matter is currently scheduled for hearing beginning October 8, 2019. On September 10, 2019, Student filed a Motion to Amend the Due Process Hearing Request and a proposed amended complaint. On September 13, 2019, San Jose filed a non-opposition to the motion to amend.

APPLICABLE LAW

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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

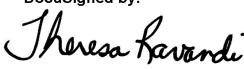
Student seeks to amend his complain to include an additional allegation that San Jose failed to implement his individualized education program during the 2019-2020 school year. The motion to amend was filed more than five days prior to the due process hearing and is unopposed. Student's motion is timely and is granted.

ORDER

1. Student's motion to amend is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All pending dates are vacated, and the 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.

DATED: September 16, 2019

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Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings