BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: REDLANDS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NOs. 2013020510 and 2012110422 ORDER DENYING MOTION TO AMEND COMPLAINT

On November 14, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint, case number 2012110422, which named the Redlands Unified School District (District). This Due Process Complaint contained an issue which required expedited treatment, but counsel for Student dropped the expedited issue at a Prehearing Conference held in the case on December 5, 2013.

In February 2013, the District filed with OAH a Due Process Complaint, case number 2013020510, which named Student. On February 14, 2013, OAH issued an Order of Consolidation which joined the two cases and set a prehearing conference for March 18, 2013, and a due process hearing for March 25 through 28, 2013

On February 12, 2013, counsel for Student submitted to OAH a proposed First Amended Request for Due Process Hearing; Request for Expedited Due Process Hearing. The proposed amended pleading sought to revive the expedited issue that Student had dropped two months previously.

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).)

Here, a ruling on the motion to amend Student's Due Process Complaint will operate to further continue a dispute that started in November 2012. Further, the motion seeks to

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

revive an issue that previously had been dropped from the case. Based upon these considerations, Student's motion to file the proposed first amended complaint is denied.

IT IS SO ORDERED.

Dated: March 18, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings