

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

CLOVIS UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010020142

CLOVIS UNIFIED SCHOOL DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 2010010583

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 1, 2010, Student's parent acting on behalf of Student (Student) filed a due process hearing request (complaint), naming Clovis Unified School District as the respondent. On February 23, 2010, the Office of Administrative Hearings (OAH) determined that Student's complaint was sufficiently stated with respect to all of the issues alleged, except two. The OAH order gave Student leave to amend the complaint and ordered that any amended complaint be filed within 14 days of the date of the OAH order. On March 3, 2010, within the 14 days, Student filed a motion to amend the due process complaint. No opposition was filed to that motion.

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)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

The motion to amend is timely and is granted.¹ 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.

¹ In light of the OAH order which permitted the filing of an amended complaint within 14 days from the date of that order, Student could have filed an amended complaint without first bringing this motion. However, Student chose to file a motion, and Student's motion is appropriately granted at this time.

IT IS SO ORDERED.

Dated: March 16, 2010

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings