

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DENAIR UNIFIED SCHOOL DISTRICT
AND TURLOCK UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011071075

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 29, 2011, Parents on behalf of Student (Student) filed a Due Process Hearing Request (complaint) against the Denair Unified School District (DUSD). On August 18, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint), which clarified allegations against DUSD and added the Turlock Unified School District (TUSD) as a party. Neither DUSD nor TUSD filed a response.

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 amend is timely and is granted because the matter is not close to hearing, DUSD and TUSD did not oppose the request, and to allow new allegations of school district responsibility to provide Student with a free appropriate public education. 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.

IT IS SO ORDERED.

Dated: August 24, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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