

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

VALLEJO CITY UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011100369

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 7, 2011, the Vallejo Unified School District (District) filed a Due Process Hearing Request (complaint), naming Parents on behalf of Student (Student) as respondents. In the complaint, the District seeks an order that it does not have to fund an Independent Education Evaluation requested by Student.

On October 25, 2011, the District filed a Motion to Amend the Due Process Hearing Request (amended complaint). The District seeks to file an amended complaint which adds a second issue. The new issue is whether the District's offer of placement and services made at the October 14, 2011 Individualized Education Program (IEP) meeting provides Student with a free appropriate public education (FAPE). No opposition was received from Student.

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.

Dated: October 31, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings