

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SANTA ROSA CITY SCHOOLS,	OAH CASE NO. 2012010070
SANTA ROSA CITY SCHOOLS, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012010425 ORDER GRANTING DISTRICT'S MOTION TO AMEND COMPLAINT

On January 17, 2012, the Santa Rosa City Schools (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing in OAH case number 2012010425 (District's Case), naming Student. The District's Case is consolidated with Student's Case in OAH Case No. 2012010070, and the consolidated matter is set for Prehearing Conference on March 21, 2012, at 1:30 p.m., and for Due Process Hearing on April 2, 2012, at 1:30 p.m. and April 3 – 5, 2012, at 9:30 a.m.

On February 24, 2012, the District filed a Motion to Amend the Due Process Hearing Request (complaint). 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).)

The motion to amend is timely and is granted because District amended the complaint to add recent allegations as to whether it may assess Student over Parents' objection, the

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

request was made more than five days before the hearing commenced, and is the District's first request to amend the complaint.

Although not stated in the District's request, it is presumed that the District wishes to keep the presently set dates since the existing dates were previously agreed to by the parties in their joint request for a continuance. Accordingly, the District's motion to amend is granted deemed filed as of the date of this Order, and all previously calendared dates in this consolidated matter remain as scheduled.²

IT IS SO ORDERED.

Dated: March 7, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

² The parties participated in mediation on February 29, 2012. If the Parties wish for an additional mediation, they may contact OAH to schedule another mediation date.