BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PLEASANT VALLEY SCHOOL DISTRICT - CAMARILLO, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012040420 ORDER DENYING MOTION TO AMEND COMPLAINT AND RESET DATES

On April 10, 2012, District filed a due process hearing request (complaint) naming Student as the respondent. On April 23, 2012, the parties filed a motion asking OAH to treat the same exact complaint as an amended complaint and reset all dates because District did not serve Student's mother with a copy of the complaint until April 18, 2012. As discussed below, the motion is denied.

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).) 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, District is not seeking to "amend" the complaint in any way, such that the above principles do not apply. Nothing about the current scheduling prevented the parties from attending mediation or prevented Mother from filing an NOI if necessary. Instead, the parties are seeking to change the scheduled hearing dates, which can be done through a request for a continuance to mutually agreed dates. Accordingly, the motion is denied without prejudice to the parties filing a request for a continuance.

IT IS SO ORDERED.

Dated: April 24, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings