

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090160

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 6, 2012, Student filed a Request for a Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the San Juan Unified School District (District). On October 1, 2012, Student filed a motion to amend the complaint, which included a copy of the first amended complaint. District filed a notice of non-opposition to the motion to amend the complaint on October 5, 2012. On October 5, 2012, OAH granted Student's motion and reset the applicable timelines.

On February 6, 2013, Student filed a motion to file a second amended complaint to include purported violations by the District that occurred after the filing of the amended complaint. District filed a notice of non-opposition to the motion to amend the complaint on February 7, 2013.

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. The second 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.

While OAH is granting the filing of a second amended complaint, the fact that this matter was filed in September 2013 and has not reached conclusion is not lost on OAH. This matter needs to comply with the speedy resolution mandate of the Individuals with Disabilities Education Act. Accordingly, any further request to amend or request to continue

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

this matter will be cautiously reviewed by OAH. The parties are on notice that OAH may deny any future requests to amend the complaint or continue the matter.

IT IS SO ORDERED.

Dated: February 14, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings