

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

REDLANDS UNIFIED SCHOOL
DISTRICT AND EAST VALLEY SELPA,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2013020305

ORDER GRANTING MOTION TO
FILE SECOND AMENDED
COMPLAINT

On February 08, 2013, the Redlands Unified School District and the east valley Special Education Local Planning Area (SELPA)(District) filed a Due Process Hearing Request (complaint), naming Parents on behalf of Student (Student) as respondents. On February 18, 2013, the District filed an Amended Due Process Hearing Request. On February 19, 2013, the District filed a Request to File a Second Amended Due Process Hearing Request. The District cites as grounds to permit leave to file the second amended complaint (SAC) that Student has contended ,in two compliance complaints filed with the California Department of Education, that the District has failed to provide Student a free appropriate public education at the November 28, 2012 and December 3, 2012 Individualized Education Program team meetings. No opposition was received from Student.¹

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).)² 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. On February 20, 2013, Steven Figueroa, an education advocate, filed a Notice of Representation on behalf of Student.

² All statutory citations are to Title 20 United States Code unless otherwise indicated.

The motion to file a second amended complaint 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.

IT IS SO ORDERED.

Dated: February 25, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings