

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013060987

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 25, 2013, Student filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) against the Rocklin Unified School District (District).

On July 15, 2013, Student filed a motion to amend the complaint (motion), and included an amended complaint. District did not file a response or opposition to the motion.

APPLICABLE LAW AND DISCUSSION

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 due process hearing in this matter is currently set to begin on August 20, 2013, and thus the motion to amend is timely as Student made the motion more than five days before the hearing is scheduled to commence. In addition, District has not opposed the motion to amend the complaint.

Accordingly, the motion to amend is timely, and should be granted.

ORDER

1. The motion to amend is granted.

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

2. The amended complaint shall be deemed filed on the date of this order.
3. 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: July 19, 2013

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings