

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CASTRO VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013071058

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 22, 2013, the Castro Valley Unified School District (District) filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming Student (Student). On September 20, 2013, the District filed a Motion to Amend the complaint, along with an amended complaint, to add allegations regarding Parent's request for an independent education evaluation. Student did not submit a response.

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).)

The motion to amend is timely and is granted. The 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: September 27, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings