

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

POMONA UNIFIED SCHOOL DISTRICT;
WALNUT VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013090776

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 23, 2013 Parent on behalf of Student (Student) filed a Due Process Hearing Request¹ (complaint) naming Pomona Unified School District (Pomona USD), Walnut Valley Unified School District (Walnut Valley USD), and Los Angeles County Office of Education (LACOE). On October 1, 2013, the Office of Administrative Hearings granted a notice of insufficiency as to LACOE with leave to amend. On November 1, 2013, Student filed an Amended Complaint naming Walnut Valley Unified School District (Walnut) as a respondent. Student's Amended Complaint will be considered a motion to amend. On November 4, 2013, counsel for Pomona USD and Walnut USD filed a notice of non-opposition to Student's amended complaint.

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 A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

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

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: November 6, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings