

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LUIS OBISPO COUNTY OFFICE OF
EDUCATION AND SAN LUIS OBISPO
JUVENILE PROBATION DEPARTMENT.

OAH CASE NO. 2014020743

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 19, 2014, Student filed a Due Process Hearing Request (complaint), naming the San Luis Obispo County Office of Education (County) and the San Luis Obispo Juvenile Probation Department (Probation). This matter is currently scheduled for hearing beginning on April 15, 2014. On April 2, 2014, Student filed a Motion to Amend along with a proposed amended complaint. On April 3, 2014, County filed a Non-Opposition to Student's Motion to Amend. On April 4, 2014, Probation also filed a Non-Opposition.

APPLICABLE LAW

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).)

DISCUSSION

Student seeks to amend his complaint to include issues identified in education records he received after filing his original complaint. Specifically, Student now alleges a denial of a free appropriate public education (FAPE) for the 2012-2013 school year including extended school year, in addition to the 2013-2014 school year as originally pled. In addition to his original allegations, Student also alleges a denial of FAPE based upon County and Probation's act of removing him from his educational placement in excess of ten days. Student's motion to amend is timely and is granted.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this Order.

2. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

DATE: April 4, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings