

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014060019

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND DUE PROCESS
COMPLAINT

On June 6, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Adeniyi A. Ayoade, Office of Administrative Hearings. Shawn Olson Brown, Attorney at Law, appeared on behalf of the West Contra Costa Unified School District (West Contra Costa). Student's Mother (Parent) appeared on behalf of Student. The PHC was recorded. Based on discussion with the parties, the ALJ issues the following order:

Motion to Amend the Complaint

On May 27, 2014, West Contra Costa, through its attorney, filed a Request for Due Process Hearing (complaint) naming Student. On June 16, 2014, West Contra Costa filed a motion to amend the complaint (motion), together with an amended Request for Due Process Hearing (amended complaint). As represented during the prehearing conference, Parent has no opposition to the motion to amend.

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); Ed. Code, § 56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii); Ed. Code, § 56502, subd. (e).) In a student-filed case, these timelines include a new resolution session period. (Ed. Code, § 56501.5.)

The due process hearing in this matter is currently scheduled to begin on June 24, 2014. Therefore, West Contra Costa's motion to amend the complaint is timely, unopposed and is granted.

ORDER

1. West Contra Costa's motion to amend the complaint is granted, and all applicable timelines are reset as of the date of this order.
2. All currently set dates in this matter are vacated.
3. The amended complaint shall be deemed filed on the date of this order, and the 45-day timeline for issuance of the decision in this matter shall be based on the date of this order.
4. OAH will issue a scheduling order with the new dates based on the timelines now reset pursuant to this order.

IT IS SO ORDERED.

DATE: June 17, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings