

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014070099

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 24, 2014, Student, through his Parents,¹ filed a Due Process Hearing Request (complaint), naming the Elk Grove Unified School District. On October 20, 2014, Student filed a motion to amend the complaint, and submitted an amended complaint with the motion. Elk Grove has not opposed 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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

Student seeks to amend the complaint in order to include new allegations involving denial of related services, and issue(s) involving the May 2014 individualized educational program offer by Elk Grove. Allowing Student the opportunity to amend the complaint would serve the interest of judicial economy, and prevent multiple hearings on related issues. In addition, the due process hearing in this matter is currently scheduled to begin on November 4, 2014. Therefore, Student's unopposed motion to amend the complaint is timely, and is granted.

ORDER

¹ Student, who is eighteen year old, has assigned his educational right to his Parents.

1. Student's motion to amend the complaint is granted. All dates currently set in this matter are vacated.
2. The amended complaint shall be deemed filed on the date of this order, and all applicable timelines are reset as of the date of this order, including the holding of a resolution session.
3. OAH will issue new a scheduling order with new dates.²

IT IS SO ORDERED.

DATE: October 27, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

² While Elk Grove has not opposed the motion, it has requested that due process hearing dates should not be set between December 22, 2014 and January 6, 2015. Elk Grove may request other dates if the new scheduling order issued by OAH set the hearing during the above dates.