

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHICO UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014120106

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On November 19, 2014, attorney Annie Cox, on behalf of Student, filed a Due Process Hearing Request (complaint), naming Chico Unified School District. Currently, the due process hearing is scheduled to take place March 24, 2015 through March 26, 2015 and continuing day to day, as needed, at the discretion of the Administrative Law Judge

On March 8, 2015, Student filed a Motion to Amend Due Process Complaint to allege additional procedural and substantive violations. On March 11, 2015, attorneys Paul Gant and Kristin Lindgren, on behalf of Chico, filed a Non-Opposition to Student's Motion to Amend Complaint.

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's Motion to Amend 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.

DATE: March 12, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings