

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MOUNT DIABLO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015020949

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 12, 2015, Parent on behalf of Student filed a Due Process Hearing Request (complaint), naming Mount Diablo Unified School District. This matter is currently set for hearing beginning May 27, 2015. On March 30, 2015, Student filed an amended Due Process Hearing Request (amended complaint) which is treated as a motion to amend the complaint. No opposition was received from Mount Diablo.

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 an additional allegation that from 2011 through the present, Mount Diablo failed to provide Student with adequate physical therapy services and failed to implement his individualized education program regarding the provision of physical therapy services. The motion to amend is timely, unopposed, 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 9, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings