

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GRASS VALLEY ELEMENTARY
SCHOOL DISTRICT AND BITNEY
COLLEGE PREP HIGH SCHOOL.

OAH Case No. 2015110069

ORDER GRANTING MOTION TO
AMEND COMPLAINT TO ADD A
PARTY

On October 29, 2015, Student filed a Due Process Hearing Request with the Office of Administrative Hearings, naming Grass Valley Elementary School District and Nevada County Superintendent of Schools. On November 3, 2015, Student filed a Motion to Amend the Due Process Hearing Request along with a proposed amended complaint seeking to add Bitney College Preparatory High School as a party and including allegations against Bitney. On November 4, 2015, OAH dismissed Nevada County Superintendent as a party, at Student's request. OAH has not received an opposition to Student's Motion to Amend from Bitney or Grass Valley.

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).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order and all applicable timelines shall be reset.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order. This matter shall be known as *Parents on Behalf of Student v. Grass Valley Elementary School District and Bitney College Prep High School*.

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: November 9, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings