

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030840

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 18, 2016, Student filed a due process hearing request (complaint) with the Office of Administrative Hearings, naming the San Diego Unified School District. OAH granted the parties' joint request to continue all dates in an order issued on April 26, 2016.

On April 27, 2016, Student filed a motion to amend his complaint. District has not filed an opposition or other response to Student's motion.

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 this order is issued.

In his motion to amend, Student referenced the fact that the hearing on his original complaint is presently set to begin in August, 2016. Student has not specifically made a motion to maintain the present hearing dates, and has not referenced whether District agrees to do so. District has not responded to Student's motion, so its opinion on the matter is unknown. As stated above, the filing of an amended complaint restarts the applicable timelines.¹ Therefore, the applicable timelines shall be reset as of the date this order issues.

¹ The granting of the motion to amend vacates the mediation scheduled for May 12, 2016, because that is within the 30 day resolution session period, and the parties have not waived in writing the resolution session to proceed to mediation.

OAH will issue a scheduling order with the new dates. If the parties wish to revert to the presently set dates, they should file a joint request to do so.

IT IS SO ORDERED.

DATE: May 9, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings