

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLUMAS UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120543

DENYING DISTRICT'S REQUEST TO
VACATE STUDENT'S CORRECTED
AMEND COMPLAINT

On December 16, 2011, Student filed a Due Process Hearing Request¹ (complaint) naming the Plumas Unified School District (District). On December 30, 2011, the District timely filed a Notice of Insufficiency (NOI) as to Student's complaint. The Office of Administrative Hearings (OAH) granted the District's NOI on January 4, 2012, and gave Student 14 days to file an amended complaint.

Student filed an amended complaint January 18, 2012,² and a corrected amended complaint on the same day, which was substantially similar to the originally received amended complaint. On January 20, 2012, the District objected to the corrected amended complaint, asserting that Student had not made a motion to OAH to revise the amended complaint. On January 24, 2012, Student filed a response.

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).)³ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

In this case, Student corrected amended complaint is substantially similar to amended complaint as they both contain the same seven issues for hearing, with minor corrections as

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 United States Code section 1415(b)(7)(A).

² OAH received the completed amended complaint after 5:00 p.m. on January 17, 2012, so it is deemed filed as of the next business day.

³ All statutory citations are to title 20 United States Code unless otherwise indicated.

to the factual allegations, and filed soon after the original amended complaint. Therefore, the District did not establish any grounds why OAH should not accept the corrected amended complaint and its motion for OAH not to accept the corrected amended complaint is denied.⁴

IT IS SO ORDERED.

Dated: January 30, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

⁴ The District's other challenges to the amended complaint, such as attaching a copy of the parties' prior settlement agreement, should be raised in an NOI or other appropriate motion as to the amended complaint.