

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAMON VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012051115

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 23, 2012, Student filed with the Office of Administrative Hearings (OAH) a Request for a Due Process Hearing (complaint), naming San Ramon Valley Unified School District. On September 12, 2012, Student faxed a document to OAH titled “Amended Request for a Due Process Hearing” (amended complaint). Although Student did not file a formal motion asking OAH for leave to file the amended the complaint, OAH infers that this was the intent of Student.

Accompanying the amended complaint was a copy of an email dated September 11, 2012, from Student’s attorney to the District’s attorney asking it the District would agree to the filing of an amended complaint. The email response from the attorney for the District dated September 12, 2012, is contained on the same page, in which she indicates that her client agrees to the filing of an amended complaint no later than September 14, 2012. The email from the District’s attorney also acknowledges that she and her client understand that the filing of the amended complaint will result in new dates being set for the prehearing conference (PHC) currently scheduled for September 17, 2012, and due process hearing currently set to begin on September 24, 2012.

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 grants 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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and 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.

Dated: September 13, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings