

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CLOVIS UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012070992
CLOVIS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012080216 ORDER GRANTING MOTION TO AMEND COMPLAINT

On July 30, 2012, Student filed a Request for Due Process Hearing (complaint) against the Clovis Unified School District (District) in Office of Administrative Hearings (OAH) case number 2012070992. On August 7, 2012, the District filed a complaint against Student, in OAH case number 2012080216. On August 14, 2012, OAH granted a motion to consolidate these matters.

On September 12, 2012, Student filed a motion to amend his complaint, and an amended complaint. OAH did not receive a response from District.

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).)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).)

Student's motion to amend contends that on August 15, 2012, Student filed a motion to amend the July 30, 2012 complaint and that OAH did not issue an order as to that motion. Upon a review by the undersigned, OAH does not have a record of Student's August 15, 2012 motion to amend his complaint. Accordingly, Student's current proposed amended complaint is considered as his first amended complaint.

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

Student's amended complaint raises new issues which allege that District failed to implement Student's individualized education program (IEP), with respect to inclusion with typical peers for the 2010-2011 and 2011-2012 school years; District's proposed IEP for the 2012-2013 school year fails to provide placement in the least restrictive environment; and, District's proposed IEP for the 2012-2013 school year fails to provide Student with appropriate levels of speech and language therapy. Additionally, Student's amended complaint dismisses some issues raised in the original complaint.

The motion to amend is timely, District has not filed an opposition and the motion 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 18, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings