

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012080383

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND KEEPING
DATES CURRENTLY SET ON
CALENDAR

On August 14, 2012, Student's parents on behalf of Student (Student) filed a due process hearing request (complaint), naming the Corona-Norco Unified School District (District). On March 19, 2013, Student filed a motion to amend the complaint. No opposition has been received from the 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).) The filing of an amended complaint generally restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

In Student's motion, Student requests that the claims previously alleged in the original complaint relate back to the date of filing the original complaint for purposes of the statute of limitations. Student also requests that the parties be permitted to maintain their current hearing dates in April 2013, rather than restarting the timelines for the due process hearing. According to Student's counsel, the District has no objection to either of these requests.

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

All claims in the amended complaint that were also contained in the original complaint are subject to the statute of limitations beginning two years prior to the date of filing of the original complaint. All new claims in the amended complaint are subject to the statute of limitations two years prior to the date of this order (the date of filing of the amended complaint).

Student's request to maintain the current hearing dates is more problematic, because the law provides that a school district must be given an opportunity to hold a resolution

session. However, the hearing in this matter is set to begin approximately 28 days from the date of this order, on April 22, 2013. A district is supposed to schedule a resolution session within 15 days of receiving a due process hearing request (20 U.S.C. § 1415(f)(1)(B)(i)(I)), so the 28 days should give the District sufficient time to hold a resolution session to address the amended complaint. Under these circumstances and given the age of this case, it would serve the interests of justice to maintain the same hearing dates rather than to start the timeline over and continue this matter yet again.

All hearing and prehearing conference dates will remain on calendar as currently set.

IT IS SO ORDERED.

Dated: March 25, 2013

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings