

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

WESTSIDE UNION ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2012080482

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 16, 2012, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming the Westside Union Elementary School District (District). On September 20, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). On September 20, 2012, the District filed a non-opposition to the motion to amend

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).)

The motion to amend is timely and is granted because Student's amended complaint adds new allegations regarding the District's purported failure to provide adequate assistive technology and access to extracurricular activities. Additionally, Student's request was made more than five days before the hearing commenced, and is Student's first request to amend the complaint. Therefore, Student established good cause for the amended complaint.

Accordingly, 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 25, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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

