

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KERN COUNTY SUPERINTENDENT OF
SCHOOLS AND PANAMA BUENA
VISTA UNION SCHOOL DISTRICT.

OAH CASE NO. 2012080556

ORDER DENYING MOTION TO
MODIFY ISSUE 9

On August 20, 2012, Student filed a request for a due process hearing (complaint) with the Office of Administrative Hearings (OAH) naming the Kern County Superintendent of Schools (County) and the Panama Buena Vista Union School District (District). On October 2, 2012, Student filed an amended complaint, deemed to be a motion to amend the complaint, which OAH granted on October 8, 2012.¹

On November 2, 2012, the County and District filed a motion to modify Issue 9. The County and District contend that because the allegation in the complaint alleged violations from August 20, **2012** through the present, and the amended complaint changed that date to August 20, **2010**, that due to the two-year statute of limitations, Student can only amend the complaint to allege violations to October 2, 2010. The County's and the District's request is specious because it is clear that Student corrected a typo in the complaint and that, from a reading of the entire complaint, the allegation in Issue 9 was always drafted to refer to 2010 and not 2012. Therefore, the County's and District's motion to modify Issue 9 is denied.

IT IS SO ORDERED.

Dated: November 8, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

¹ The amended complaint added a new issue for hearing.