

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEREY COUNTY OFFICE OF  
EDUCATION, SOLEDAD UNIFIED  
SCHOOL DISTRICT, AND SOUTH  
MONTEREY JOINT UNION HIGH  
SCHOOL DISTRICT.

OAH CASE NO. 2012090055

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On August 31, 2012, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming the Monterey County Office of Education (MCOE) and Soledad Unified School District (Soledad). On September 19, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) to add the South Monterey Joint Union High School District (South Monterey) as a party. Neither MCOE, Soledad nor South Monterey filed a response.<sup>1</sup>

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).)<sup>2</sup> 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 by adding South Monterey as a party as Student's school district of residence. Student's original complaint did not include allegations regarding South Monterey. 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.

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<sup>1</sup> On September 21, 2012, Soledad filed a motion to dismiss, which shall be ruled upon in a separate order.

<sup>2</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.

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/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings