

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANDERSON UNION HIGH SCHOOL
DISTRICT AND RED BLUFF JOINT
UNION HIGH SCHOOL DISTRICT.

OAH CASE NO. 2012090493

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 13, 2012, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming Anderson Union High School District and Shasta County SELPA¹ as respondents. On October 3, 2012, Student filed a first amended complaint and later that day filed a Second Amended Complaint which Student requested supersede the original amended (hereinafter amended complaint) naming Anderson Union High School District (Anderson) and adding Red Bluff Joint Union High School District (Red Bluff). The amended complaint was inadvertently overlooked by OAH as it was filed without an accompanying motion, however, the amended complaint was served Anderson and Red Bluff on October 3, 2012. Neither Anderson nor Red Bluff filed an objection to the amended complaint. On October 10, 2012, Red Bluff filed a Notice of Representation and Response to the Amended Complaint.

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).)² 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. The amended complaint shall be deemed filed on the date of this order. All current mediation and hearing dates are vacated,

¹ OAH dismissed Shasta County SELPA from Student's complaint and amended complaint on October 9, 2012.

² All statutory citations are to Title 20 United States Code unless otherwise indicated.

and 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: October 12, 2012

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings