

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOWELL JOINT SCHOOL DISTRICT.

OAH CASE NO. 2013040714

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 15, 2013, Student filed a Due Process Hearing Request (complaint), naming Lowell Joint School District (District). On July 31, 2013, Student filed a Motion to Amend the Due Process Hearing Request and included the proposed amended complaint. On August 8, 2013, District filed a notice of non-opposition to Student's request. On August 9, 2013, District filed a 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).)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 prehearing conference is presently scheduled for August 21, 2013, and the due process hearing is scheduled for August 26 through 29 2013. Therefore, the motion to amend is timely.

Student's initial complaint concerned issues related to a March 2013 individualized education program (IEP). The amended complaint adds issues related to a June 2013 IEP. The parties agree to have the issues associated with both IEP's addressed in one due process filing.

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

The motion is granted. 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: August 12, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings