

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA CRUZ CITY SCHOOL DISTRICT  
and LIVE OAK SCHOOL DISTRICT.

OAH CASE NO. 2013050430

ORDER GRANTING MOTION TO  
AMEND AND MOTION TO ADD  
PARTY

On May 14, 2013, Student filed a request for a due process hearing (complaint)<sup>1</sup> naming the Santa Cruz City School District (Santa Cruz). On June 5, 2013, Student filed an amended complaint adding the Live Oak School District (Live Oak) as a party and adding allegations to his complaint specifically addressing Live Oak. Student served his amended complaint on both school districts. Neither Santa Cruz nor Live Oak has filed an objection or other response to Student's amended complaint.

The Office of Administrative Hearings (OAH) shall treat Student's filing of his amended complaint as a motion to amend his complaint and add an additional party.

APPLICABLE LAW

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

Student's motion to amend is timely and 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.

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<sup>1</sup> A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

ORDER

1. Student's motion to add Live Oak as a party is granted. This matter shall be known as Parents on behalf of Student v. Santa Cruz City School District and Live Oak School District.

2. Pursuant to Title 20 United States Code section 1415(c)(2)(E)(ii), the applicable timeline for this due process hearing, including the resolution session, recommences as of the date of this order.

3. All previously scheduled hearing and mediation dates are vacated. OAH will issue a new scheduling order.

Dated: June 12, 2013

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings