

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SALINAS CITY ELEMENTARY SCHOOL  
DISTRICT AND MONTEREY COUNTY  
OFFICE OF EDUCATION.

OAH CASE NO. 2013071259

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On July 26, 2013, Parents on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint), naming the Salinas City Elementary School District and the Monterey County Office of Education as respondents.

On September 9, 2013, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). By filing the amended complaint, Student seeks to add an additional party, the Santa Rita Union High School District (Santa Rita). Student states that permitting the addition of Santa Rita will permit OAH to award prospective relief and avoid the necessity of being compelled to conduct two hearings with identical witnesses and evidence in both hearings.

No opposition was received from either of the respondents.

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>1</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).)

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

The 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.

IT IS SO ORDERED.

Dated: September 11, 2013

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings