

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2013101063

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 28, 2013, Student filed a due process hearing request (complaint), naming the San Jose Unified School District (San Jose). On February 20, 2014, Student filed an amended complaint, which is being considered as both a motion to amend and an amended complaint. No opposition was received from San Jose.

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).)

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. The Office of Administrative Hearings will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: February 26, 2014

/s/

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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings