

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SYLVAN UNION SCHOOL DISTRICT.

OAH Case No. 2014010077

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On January 2, 2014, Student filed a Due Process Hearing Request (complaint), naming Sylvan Union School District (Sylvan). On July 24, 2014, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). On July 29, 2014, Sylvan filed a notice consenting to the request and preserving its right to file a Notice of Insufficiency or a Motion to Dismiss.

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 Filing 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: August 6, 2014

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings

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