

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014020468

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 12, 2014, Student filed a due process hearing request (complaint), naming Elk Grove Unified School District (Elk Grove). This matter is currently scheduled for hearing beginning on May 28, 2014. On May 16, 2014, Student filed a motion to amend complaint and an amended complaint. That same day, Elk Grove filed a notice of non-opposition to Student's motion to amend.

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

DISCUSSION

Student seeks to amend her complaint to include an issue regarding the provision of a free appropriate public education (FAPE) for the 2014-2015 school year. At the time the original complaint was filed, an individual education program meeting to discuss the 2014-2015 school year had not yet been conducted nor had Elk Grove made an offer of FAPE for that school year.

Student's motion to amend her complaint was timely submitted and is unopposed. Accordingly, the motion is granted.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this Order.

2. 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.

DATE: May 19, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings