

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014030739

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 19, 2014, Student filed a Due Process Hearing Request (complaint), naming Manhattan Beach Unified School District (District). On April 25, 2014, Student filed a Motion to Amend the Due Process Hearing Request] (amended complaint). District filed an opposition on April 28, 2014.

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. Student is seeking to amend the complaint to expand the scope of the child find issue to earlier years, and has not unreasonably delayed in seeking to amend. District's objections to the timing of the motion to amend or the validity of the allegations in the amended complaint are not dispositive of Student's right to amend.

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.

DATE: April 30, 2014

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings