

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ANTIOCH UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014030904

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 24, 2014, the Antioch Unified School District (Antioch) filed a due process hearing request (complaint), naming Student. On April 16, 2014, Antioch filed a motion to amend complaint and an amended complaint. On April 24, 2014, Marco R. Sumarriva, Attorney at Law, filed a notice of representation and asked for a short extension of time to respond to Antioch's motion to amend, which was granted. On April 28, 2014, Student filed an opposition to the motion to amend.

APPLICABLE LAW, DISCUSSION AND ORDER

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. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: May 2, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings