

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL  
DISTRICT.

OAH CASE NO. 2014040298

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On April 4, 2014, Student filed a due process hearing request (complaint), naming the Cupertino Union School District. On April 29, 2014, Student filed an amended due process hearing request (amended complaint).<sup>1</sup> No response was received from the district.

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/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> Although Student did not file a motion seeking leave to amend, Student's amended complaint is being treated as such a motion for purposes of this Order.