

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT AND OAKLAND
UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014050135

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 28, 2014, Student filed a due process hearing request (complaint), naming West Contra Costa Unified School District. On September 5, 2014, Student filed a motion to amend the due process hearing request (first amended complaint) adding Oakland Unified School District as a respondent and adding additional issues. The motion to amend was granted on the same day. A continuance was granted at the joint request of West Contra Costa and Oakland on October 20, 2014.

Before the hearing could commence, Student's attorney withdrew from the case and a continuance was granted on December 5, 2014, to allow Student time to secure new representation. The hearing was scheduled to begin on March 10, 2015, and the parties were notified that any additional request for continuance must be supported by extreme good cause. On February 10, 2015, Student's new attorney filed a notice of representation and a motion to amend the due process hearing request (second amended complaint). West Contra Costa and Oakland opposed the motion to amend and Student filed a reply to the opposition.

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. **However, given the length of time this matter has been pending, there will be no additional amendments or continuances in this matter.** 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: February 13, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings