

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HIGH TECH HIGH INTERNATIONAL

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014050946

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DENYING MOTION TO DISMISS

On May 20, 2014, High Tech High International filed a Due Process Hearing Request (complaint), naming Student. The Due Process hearing is currently set to begin on September 23, 2014. On September 9, 2014, High Tech filed a Motion to Amend the Due Process Hearing Request (amended complaint) to include the issue of whether High Tech is entitled to conduct Student's Triennial Assessment pursuant to the June 2014 assessment plan. No opposition to the Motion to Amend was received. On September 12, 2014, the Student filed a Motion to Dismiss Complaint. As of the date of this order, OAH has not received a response to Student's Motion to Dismiss Complaint.¹

Motion to Amend

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).)

High Tech's timely Motion to Amend 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.

¹ High Tech's response to Motion to Dismiss would not be due until September 17, 2014.

Motion to Dismiss

Student's Motion to Dismiss is moot as High Tech's Motion to Amend Complaint was granted. If so desired, Student may re-file the Motion to Dismiss in order to address the issues reflected in the amended complaint.

IT IS SO ORDERED.

DATE: September 15, 2014

/s/

ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings