

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014060139

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 02, 2014, Student filed a Due Process Hearing Request (complaint), naming Redlands Unified School District (Redlands). On September 11, 2014, Student timely filed a Motion to Amend the Due Process Hearing Request and an Amended Request for Due Process Hearing (amended complaint). Redlands filed an opposition on September 12, 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).)

Redlands opposes amendment on the grounds that, although it is timely, the motion is “unreasonably tardy” and the amended complaint does not allege new issues. The amended complaint contains numerous additional factual allegations which, alone, would not be grounds to delay the hearing by granting the motion to amend. However, the amended complaint also states new allegations of procedural violations that, allegedly, occurred during the time period at issue in the complaint.

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: September 12, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings