

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014070093

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On June 24, 2014, Student, through his Parents, filed a due process hearing request (complaint), naming the Elk Grove Unified School District. On October 20, 2014, Student filed a motion to amend the complaint, and submitted an amended complaint with the motion. Elk Grove has not opposed the motion.

APPLICABLE LAW AND DISCUSSION

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).)

Student's original complaint claims Elk Grove denied him a free appropriate public education regarding the provision of applied behavior analysis services and Elk Grove's termination of those services from a nonpublic agency provider, the Center for Autism and Related Disorders, as of June 2014. Student seeks to amend the complaint to include new allegations involving: (a) failure to provide speech and language services specified in his individualized educational program; (b) failure to provide an adequate transition assessment and sufficient transition goals and service; and (c) failure to make an offer of FAPE at or following an IEP meeting on May 21, 2014.

The due process hearing in this matter is currently scheduled to begin on November 12, 2014, with a prehearing conference on November 3, 2014. Therefore, Student's motion to amend the complaint is timely. There has only been one prior continuance in this case. Based on the foregoing, Student should be permitted to amend his complaint to include his remaining three issues rather than have separate, disjointed hearings

on separate complaints. Amendment at this time would serve the interest of judicial economy, and prevent multiple hearings on related issues. Accordingly, Student's motion to amend his complaint is granted.

ORDER

1. Student's motion to amend the complaint is granted. All dates currently set in this matter are vacated.
2. The amended complaint shall be deemed filed on the date of this order, and all applicable timelines are reset as of the date of this order, including the holding of a resolution session.
3. OAH will issue new a scheduling order with new dates.

IT IS SO ORDERED.

DATE: October 30, 2014

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DEIDRE L. JOHNSON  
Administrative Law Judge  
Office of Administrative Hearings