

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

PARADISE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014080043

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 29, 2014, Student,¹ through her Mother/holder of Student's educational rights, filed a Due Process Hearing Request (complaint), naming the Paradise Unified School District. On September 10, 2014, Student filed a motion to amend the complaint (motion), and submitted an amended Due Process Hearing Request (amended complaint) with the motion. Paradise filed a notice of non-opposition to the motion on September 12, 2014.

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).)

The due process hearing in this matter is currently scheduled to begin on September 23, 2014. Therefore, Student's unopposed motion to amend the complaint is timely, and shall be granted.

¹ Student is 22 years old.

ORDER

1. Student's motion to amend the complaint is granted. All currently set dates 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.
3. OAH will issue a scheduling order with the new dates.

DATE: September 12, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings