

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014100352

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 07, 2014, Student filed a Due Process Hearing Request (complaint), naming District as the respondent. On January 20, 2015, Student filed a motion to amend the complaint and first amended complaint that added issues related to the current school year. On January 21, 2015, District filed a notice of non-opposition to amendment.

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).)

Here, the motion to amend is timely, and District has consented in writing. Accordingly, the 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.

IT IS SO ORDERED.

DATE: January 29, 2015

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings