

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2014100512

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ALHAMBRA UNIFIED SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014090795

ORDER GRANTING MOTION FOR  
LEAVE TO FILE AMEND COMPLAINT

On September 22, 2014, the Alhambra Unified School District filed with the Office of Administrative Hearings a Due Process Hearing Request (complaint), naming Parents on behalf of Student as respondents. On October 10, 2014, Student filed a Due Process Hearing Request naming Alhambra as respondent. The two matters were consolidated by OAH on October 13, 2014.

On December 16, 2014, Alhambra filed a Motion for Leave to File an Amend the Due Process Hearing Request (amended complaint). No opposition was received from Student.

Alhambra's complaint alleged three issues. The first issue was whether Alhambra offered Student a free appropriate public education in the least restrictive environment at the August 26, 2014 and September 4, 2014 Individual Education Program team meetings. In the amended complaint, Alhambra seeks to amend the first issue to also include IEP offers made at the October 23, 2014 and December 9, 2014 IEP team meetings.

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).<sup>1</sup> 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 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.<sup>2</sup>

IT IS SO ORDERED.

DATE: December 22, 2014

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.

<sup>2</sup> Neither party requested that the presently set prehearing conference and hearing dates remain on calendar.