

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT, SAN
DIEGO UNIFIED SCHOOL DISTRICT,
CENTINELA VALLEY UNION HIGH
SCHOOL DISTRICT AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH Case No. 2015010208

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On January 6, 2015, Student filed a Due Process Hearing Request (complaint), naming ABC Unified School District and Pasadena Unified School District. On January 27, 2015, Student filed an Amended Request for Due Process Hearing (amended complaint). The amended complaint was considered to be a Motion to Amend the complaint. There was no opposition by either ABC or Pasadena. The amended complaint dismissed Pasadena as a respondent, and added two issues against ABC. On February 2, 2015, administrative law judge Paul Kamoroff granted Student's Motion to Amend the complaint and issued an Order to that effect.

On April 20, 2015, Student filed a Second Amended Request for Due Process Hearing (second amended complaint). The second amended complaint is considered to be a Motion to Amend the amended complaint. The second amended complaint reinstated Pasadena as a respondent, and added San Diego Unified School District, Hawthorn Unified School District, and the California Department of Education as respondents. On April 21, 2015, Student filed a Notice of Error and Corrected Second Amended Request for Due Process Hearing, deleting Hawthorn as a respondent and adding Centinela Valley Union High School District as a respondent. There was no opposition by any District to the second amended complaint as corrected.

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.)¹ 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 second 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: May 6, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.