

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2010100554

v.

SEQUOIA UNION HIGH SCHOOL  
DISTRICT,

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SEQUOIA UNION HIGH SCHOOL  
DISTRICT,

OAH CASE NO. 2010071307

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 7, 2010, David H. Tollner, attorney for Student, filed a Due Process Hearing Request (complaint), against the Sequoia Union High School District (District). On December 10, 2010, Student filed a Request/Motion to Amend the Due Process Hearing Request (amended complaint). The Office of Administrative Hearings (OAH) did not receive a response from District.

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)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(c)(2)(E)(ii).)

Here, the amended complaint sets forth additional claims based upon the same factual allegations as those contained in the complaint. District does not oppose the amendment to the complaint. The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. Student requests that the currently set prehearing conference and due process hearing dates be maintained. However, because District has not consented to maintaining the current dates, and District is entitled to a 30-day resolution

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

session period on the amended complaint, all applicable timelines shall be reset as of the date of this order. (§1415(f)(1)(B).) OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: December 20, 2010

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings