

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013110472

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On November 13, 2013, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Torrance Unified School District (District). On February 27, 2014, Student, through counsel, filed a motion to amend complaint and amended complaint. The District filed an opposition to Student's motion to amend complaint on February 28, 2013.

APPLICABLE LAW

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).)

DISCUSSION AND ORDER

Student seeks to amend his complaint to include four new issues which allege a denial of a free appropriate public education (FAPE) for the 2011-2012, 2012-2013, and 2013-2014 school years.

The District opposes Student's motion to amend complaint on the basis that it has not provided its consent for Student to amend his complaint. However, Student does not require the District's consent to amend his complaint when, as here, the motion to amend is submitted more than five days prior to the due process hearing.

Student's 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.

IT IS SO ORDERED

DATE: February 28, 2014

/s/

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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings