

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HELIX CHARTER HIGH SCHOOL AND
GROSSMONT HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2014020060

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND ADDING
GROSSMONT HIGH SCHOOL
DISTRICT AS A PARTY

On February 3, 2014, Parent on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) against the Helix Charter High School (Helix). On February 6, 2014, Student filed a motion to amend her complaint and submitted a copy of the amended Request for Due Process Hearing (amended complaint). The amended complaint added Grossmont High School District (Grossmont) as a respondent in Student's complaint. No opposition has been received from Helix.

APPLICABLE LAW AND DISCUSSION

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); Ed. Code, § 56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii); Ed. Code, § 56502, subd. (e).) In a student-filed case, these timelines include a new resolution session period. (Ed. Code, § 56501.5.)

The due process hearing in this matter is currently scheduled to begin on March 28, 2014. Thus, Student's motion to amend her complaint is timely as the due process hearing date is not set to begin within five days from the date of this ruling on the motion to amend. Additionally, no opposition has been received to Student's request to amend. Accordingly, Student's motion to amend the complaint is granted.

ORDER

1. Student's motion to amend the complaint is granted.
2. Student's amended complaint shall be deemed filed on the date of this order and all applicable timelines shall be reset as of the date of this order.
3. All currently set dates in this matter are vacated.
4. The 45-day timeline for issuance of the decision in this matter shall be based on this date of this order.
5. OAH will issue a scheduling order with the new dates based on the timelines now reset pursuant to this order.
6. The scheduling order shall add Grossmont as a respondent in Student's complaint.
7. Within three business days of the receipt of this order, Student shall serve Grossmont with a copy of the amended complaint. A copy of the proof of service shall be filed with OAH.¹

IT IS SO ORDERED.

DATE: February 11, 2014

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

¹ It is unclear from the proof of service submitted by Student that Grossmont was served with the amended complaint.