

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TRACY JOINT UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014110142

ORDER GRANTING LEAVE TO
AMEND COMPLAINT

On October 30, 2014, Student filed a Due Process Hearing Request (complaint), naming Tracy Joint Unified School District. On November 10, 2014, District filed a Motion to Dismiss Claims, seeking dismissal of certain claims on grounds that they concerned violations of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), over which OAH has no jurisdiction. On November 13, 2014, Student filed an Amended Due Process Hearing Request, which shall be considered and treated as a Motion to Amend Student's Due Process Hearing Request. District filed no opposition to Student's filing of an amended complaint. Hearing of the matter is set for December 30, 2014.

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).)

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

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.

IT IS SO ORDERED.

DATE: November 20, 2014

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings