

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MERCED CITY ELEMETRY SCHOOL
DISTRICT AND MERCED COUNTY
OFFICE OF EDUCATION.

OAH Case No. 2015090062

ORDER REOPENING CASE AND
GRANTING EXTENSION TO FILE
AMENDED COMPLAINT

On August 31, 2015, Student's grandparent, with assistance by Christopher K. Salton, filed a Due Process Hearing Request (complaint). On September 15, 2015, the Office of Administrative Hearings deemed the complaint insufficient and gave Student leave to amend the complaint. On September 25, 2015, Grandparent and Dr. Salton filed a request for extension of time to consult with an attorney and file an amended complaint. Attached to this request was a spiral bound document titled "Save our Youth."

On September 30, 2015, OAH granted the request for an extension of time, but returned the spiral bound "Save our Youth" document as OAH does not consider this document to be evidence that is needed to request an extension of time; and therefore, OAH determined this document to not be a part of the record. On October 15, 2015, Grandparent and Dr. Salton sent OAH a letter with copies of prior letters, OAH's September 30, 2015 order and the spiral bound "Save our Youth" document.

OAH staff referred the latest correspondence to the undersigned as the correspondence raised questions regarding why OAH had returned the "Save our Youth" document. While the undersigned reviewed the new information, because Student had not filed an amended complaint, OAH dismissed the matter and closed the file.

The undersigned has reviewed the correspondence and deemed it as a further request for an extension of time. OAH should not have closed this matter while that request was pending. The matter is therefore, reopened.

The request for time is granted to the extent that Student shall have until November 20, 2015, to file an amended complaint. If Student does not file an amended complaint by November 20, 2015, OAH shall dismiss this action and close the file.

Furthermore, the document titled “Save our Youth” is being returned. The document adds nothing to the request for extension of time and is not evidence, unless offered at a hearing or offered with a motion where it may be considered relevant evidence. To the extent that the document is offered to establish Dr. Salton’s status as a non-attorney, unfamiliar with the law and special education litigation processes, the undersigned accepts his assertions to that extent, as set out in the communications from Dr. Salton. The “Save our Youth” document is not necessary. Student is strongly discouraged from attempting to file this document again, unless it is relevant evidence to an issue in the matter, in which case it should be offered at hearing, or it is relevant evidence to establish a material fact in a motion that cannot be established through other means.

ORDER

1. The matter is reopened.
2. Student is given an extension of time until November 20, 2015, to file an amended complaint.
3. The “Save our Youth” document is returned and is not made part of the record.

DATE: October 28, 2015

/s/

BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings