

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ETIWANDA SCHOOL DISTRICT.

OAH Case No. 2015100311

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 1, 2015, Student filed a Due Process Hearing Request (complaint), naming respondent Etiwanda School District. At the joint request of the parties, the hearing was continued to February 1, 2016, with a prehearing conference on January 25, 2016. On January 19, 2015, Student filed a motion to amend the complaint, with the proposed amended pleading. On January 21, 2016, the parties filed a joint stipulation, in which District consents to the amended complaint, as long as the hearing dates are reset to include the statutory 30-day resolution period.

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).)

The motion to amend is timely and District has consented in writing to the amended pleading. The proposed amended complaint clarifies the issues of the initial complaint, as well as adding related issues for hearing. The motion 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: January 22, 2016

/s/

---

CLIFFORD H. WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings