

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MOUNT DIABLO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100751

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 20, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Mount Diablo Unified School District. OAH granted two prior requests for continuance, and this matter is currently set for hearing beginning March 17, 2016. On February 23, 2016, Student filed a First Amended Request for Hearing (amended complaint). Student's filing is deemed a Motion to Amend his complaint. No opposition was received from Mount Diablo.

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

Student seeks to amend his original complaint to include two additional allegations. Student seeks to include the following allegations: 1) that Mount Diablo denied him a free appropriate public education during the 2014-2015 school year when it administered the Woodcock Johnson Achievement Test III for an invalid purpose; and 2) that Mount Diablo further denied him a FAPE by failing to provide independent educational evaluations in

response to Student's October and November 2015 requests.¹ The motion to amend is timely and unopposed, and is granted.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.

2. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

DATE: February 29, 2016

DocuSigned by:

Theresa Ravandi

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THERESA RAVANDI

Administrative Law Judge

Office of Administrative Hearings

¹ Student's First Amended Complaint identifies these new allegations as Issue 9 and Issue 10, respectively.