

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

YUBA CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2008100188

ORDER GRANTING MOTION TO
AMEND COMPLAINT

YUBA CITY UNIFIED SCHOOL DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 2008080878

On October 06, 2008, Student filed a Special Education Due Process Complaint Notice (Complaint), naming Yuba City Unified School District (District) as the respondent.

On February 18, 2009, Student filed a Motion to Amend the Complaint (Motion). No opposition to the Motion was received from the District.

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).)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).)

DISCUSSION

The Motion to Amend Complaint was not opposed and is appropriate and timely. Pursuant to Section 1415, subsection (c)(2)(E), all applicable timelines recommence upon

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

filing of the amended complaint. The amended complaint shall be deemed filed on the date of this Order.

ORDER

1. The Motion to Amend the Due Process Complaint is granted.
2. The amended complaint is deemed filed on the date of this Order.
3. All applicable timelines shall recommence as of the date of this Order, and a new scheduling order will be issued.

Dated: March 3, 2009

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings