

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CORNING UNION ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2010090053

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 31, 2010, Parents on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Corning Union Elementary School District (District). On November 12, 2010, Student filed a request to amend the complaint, attaching a copy of the proposed amended complaint. On November 15, 2010, District filed a qualified non-opposition to the motion.

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)(II).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

District does not oppose the motion so long as all currently scheduled dates are vacated. Student seeks amendment to address new matters. The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. As the law provides, all applicable timelines shall be reset as of the date of this order. The Office of Administrative Hearings will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: November 17, 2010

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

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