

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ADELANTO SCHOOL DISTRICT.

OAH CASE NO. 2011040011

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 30, 2011, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Adelanto School District (Adelanto) and the San Bernardino Unified School District as respondents. On April 25, 2011, Student filed a proposed Amended Due Process Request (amended complaint), which is deemed a Motion for Leave to File an Amended Complaint. The only change made in the amended complaint was to reflect that the second respondent as the San Bernardino County Schools (in lieu of the San Bernardino Unified School District). On April 26, 2011, Adelanto and San Bernardino County Schools filed a letter with OAH stating that they support the request to file the amended complaint.

APPLICATION OF 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 AND RULING

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of the filing of the amended complaint, April 25, 2011. All dates previously scheduled by the April 1, 2011 Scheduling Order are vacated. OAH will issue a new scheduling order.

IT IS SO ORDERED.

Dated: April 28, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

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