

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEBELLO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011040830

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On April 21, 2011, Student filed a [Due Process Hearing Request] (complaint), naming District as the respondent. On May 19, 2011, Student filed an unopposed motion to amend the complaint and proposed amended complaint that included new facts about Student.

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 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.

Dated: May 20, 2011

/s/

RICHARD T. BREEN  
Presiding Administrative Law Judge (acting)  
Office of Administrative Hearings