

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011040915

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 25, 2011, Student filed a Due Process Hearing Request (complaint) against the Torrance Unified School District (District). On June 30, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) to include new factual allegations, not known at the time of filing the original complaint. The District did not submit a response. The due process hearing is set to commence November 3, 2011.

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).)

The motion to amend is timely and is granted because the matter is not close to hearing and the District did not oppose the request. 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. The matter shall proceed on the dates set forth in the June 10, 2011 order granting the parties' joint request for a continuance.

IT IS SO ORDERED.

Dated: July 11, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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