

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

DEL MAR UNION SCHOOL DISTRICT.

OAH CASE NO. 2011050365

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On May 10, 2011, Parents on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the Del Mar Union School District and the San Diego Unified School District.

On May 10, 2011, OAH issued a Scheduling Order in the matter setting a prehearing conference for June 27, 2011, and a due process hearing for July 6, 2011. On June 15, 2011, OAH issued an order dismissing San Diego Unified School District from the case.

On June 21, 2011, counsel for Student filed with OAH a Motion to Amend Due Process Complaint, together with a proposed First Amended Request for Due Process Hearing. The Del Mar Union School District has not filed a response to the motion to amend.

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, and 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: June 23, 2011

/s/

TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings

