

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011051173

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 27, 2011, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (Complaint), naming the Placentia-Yorba Linda Unified School District (District). On November 4, 2011, counsel for Student filed with OAH a Motion to Amend the Complaint and a proposed Amended Request for Due Process Hearing (Amended Complaint). Counsel for the District has filed with OAH a non-opposition to the request to file the Amended Complaint.

In a special education proceeding, an amended pleading 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 pending 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: November 07, 2011

/s/

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