

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011090698

v.

LUCIA MAR UNIFIED SCHOOL DISTRICT,  
SAN LUIS OBISPO COUNTY OFFICE OF  
EDUCATION.

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LUCIA MAR UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011070196

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING FILING OF  
AMENDED COMPLAINT

On February 1, 2012, Student filed an amended due process hearing request (amended complaint). On February 16, 2012, the San Luis Obispo County Office of Education filed a Notice of Insufficiency (NOI) as to Student's amended complaint. On February 17, 2012, the Office of Administrative Hearings (OAH) found parts of the amended complaint to be insufficient. Student was given 14 days to file a second amended complaint. On March 6, 2012, OAH granted Student an extension of time to file the second amended complaint. On March 8, 2012, in compliance with the March 6, 2012 order, Student filed a second amended complaint. Student also filed a motion to file an amended complaint.

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).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Based upon the February 17, and March 6, 2012 orders, Student had already been granted leave to file a second amended complaint. Therefore, Student did not need a further request for permission to file a second amended complaint. However, to the extent that Student has filed such a motion, the motion to amend is timely and is granted. The second

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<sup>1</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.

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: March 9, 2012

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings