

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT.

OAH CASE NO. 2011110373

ORDER ON STIPULATION TO
AMEND COMPLAINT

On November 9, 2011, Parent filed a Request for an Expedited Due Process Hearing (complaint), on behalf of Student, with the Office of Administrative Hearings (OAH), against Lancaster School District (District). On November 10, 2011, OAH issued a scheduling order, which provided for two sets of dates. On the expedited portion of Student's complaint, expedited mediation was set for December 1, 2011, a prehearing conference (PHC) on December 7, 2011, and a due process hearing on December 13, 14, and 15, 2011. On the non-expedited portion of Student's complaint, OAH set mediation for December 20, 2011, a PHC for December 28, 2011, and hearing for January 3, 2012.

On November 30, 2011, the parties submitted a joint request for non-expedited mediation and hearing dates. On December 2, 2011, OAH issued an order denying the joint request for non-expedited scheduling. However, OAH indicated a new, non-expedited scheduling order would issue should Student file an amended complaint which does not allege the necessity of expedited determination.

On December 6, 2011, the parties filed a stipulation allowing Student to file an amended complaint, which does not allege and seek expedited determination of issues.

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 District consents in writing to the filing of Student's amended complaint. The amended complaint shall be deemed filed on the date of this order. All applicable timelines

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

shall be reset as of the date of this order. OAH will issue a scheduling order with the new non-expedited dates.

IT IS SO ORDERED.

Dated: December 06, 2011

/s/

CLIFFORD H WOOSLEY
Administrative Law Judge
Office of Administrative Hearings