

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011110696

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On November 17, 2011, Student filed a Due Process Hearing Request (complaint), naming the Irvine Unified School District (District). On February 22, 2012, the parties filed a joint stipulation to continue the hearing, in which they request a continuance to file prehearing conference statements. In this stipulation, Student represents that she would be filing an amended complaint no later than Friday, February 24, 2012. In the stipulation, the District states that it would not object to the filing of Student's amended complaint if it was filed no later than February 24.

Student filed her amended complaint on February 24, 2012, which the Office of Administrative Hearings shall treat as a motion to amend. On February 27, 2012, the undersigned contacted the parties with regard to the amended complaint. Counsel for the District indicated that it did not oppose Student's 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).)<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).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order and all applicable timelines shall therefore be reset as of this date. OAH will issue a scheduling order with the new dates.

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

IT IS SO ORDERED.

Dated: February 27, 2012

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings