

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120053

ORDER GRANTING STIPULATED  
MOTION TO AMEND COMPLAINT

On December 1, 2011, Student filed a Due Process Hearing Request (complaint), naming District as the respondent. On May 21, 2012, Student filed a “Notice of Filing First Amended Request for Due Process Hearing.....” that included an email verification from District’s counsel stating in writing that District did not oppose the amendment. In addition, the “Notice of Filing” included a proposed amendment complaint that added claims regarding the District’s offer for the upcoming 2012-2013 school year. On May 23, 2012, District filed a “non-opposition” to the filing of the 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).) 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 on District’s consent in writing, the amendment must be permitted. 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: May 24, 2012

/s/

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RICHARD T. BREEN  
Presiding Administrative Law Judge  
Office of Administrative Hearings