

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WESTSIDE UNION ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2012100017

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 01, 2012, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing that named the Westside Union Elementary School District (District). Currently pending in the matter is a prehearing conference set for November 14, 2012, and a due process hearing set for November 20, 2012. On November 2, 2012, Student, through counsel, filed with OAH a proposed First Amended Due Process Complaint that named the District. OAH will treat the filing as a request to file the amended pleading.

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).) Here, the 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, 2012

/s/

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