

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012100940

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 24, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Complaint for Mediation and Due Process Hearing that named the San Diego Unified School District. Currently pending in the case is a prehearing conference set for January 16, 2013, and a due process hearing set for January 22, 2013. On January 10, 2013, Student filed with OAH a Motion to Amend Complaint, together with a proposed First Amended Due Process Complaint. Counsel for the District has not filed with OAH a response to the motion.

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 First Amended Due Process 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: January 16, 2013

/s/

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