

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012110040

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 29, 2012, Student filed a Due Process Hearing Request (complaint), naming the Newport-Mesa Unified School District (District). On December 3, 2012, Student filed a motion to amend his complaint, along with his proposed amended complaint. The District, through the office of its counsel of record, has orally indicated to the Office of Administrative Hearings (OAH) that the District does not intend to file an opposition to 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. All applicable timelines shall be reset as of the date of this order. 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: December 4, 2012

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings