

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NOS. 2013041196 and  
2013050342

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On April 29, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the Poway Unified School District. On August 28, 2013, Student filed with OAH a Motion to Amend Complaint, together with a proposed First Amended Due Process Complaint. The District has not filed with OAH a response to this 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).)

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 in these consolidated cases 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: September 05, 2013

/s/

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