

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013051031

ORDER GRANTING STIPULATION
TO FILING OF FIRST AMENDED
COMPLAINT

On May 24, 2013, Student filed a Due Process Hearing Request (complaint), naming Beverly Hills Unified School District (District) as respondent. On August 8, 2013, Student and District jointly filed a Stipulation to File First Amended Complaint for Due Process and Request for Mediation (Stipulation), accompanied by a copy of Student's proposed First Amended Complaint for Due Process and Request for Mediation (First Amended Complaint). The District stipulated to the filing of the First Amended Complaint on condition that it would be allowed to respond to all new claims raised, and that the filing of the First Amended Complaint would restart the timelines for the due process hearing.

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).)¹ 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, respondent District has consented in writing to the filing of the First Amended Complaint and will be given the opportunity to resolve the complaint through a resolution session. The Stipulation to Student's filing of the First Amended Complaint is granted. Student's First 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.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

Dated: August 09, 2013

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings