

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFIC GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013080811

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 22, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the Pacific Grove Unified School District (District). On September 25, 2013, Student filed with OAH a request to amend the Due Process Complaint, together with a proposed Amended Due Process Complaint. On September 26, 2013, counsel for the District filed with OAH a non-opposition to this request.

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 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: October 01, 2013

/s/

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