

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GARDEN GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009070759

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND ORDER
MAINTAINING CURRENT HEARING
DATES

On July 20, 2009, the Garden Grove Unified School District (District) filed a Due Process Hearing Request (complaint), naming Student as the respondent.

On February 4, 2010, District filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed a Request to Maintain Hearing Dates concurrently with the motion. Student did not file an opposition.

APPLICABLE LAW

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)(II).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

DISCUSSION

The motion to amend is unopposed and timely and is granted. The motion to maintain the currently scheduled hearing dates of March 8-10, 2010 is also unopposed and is granted.

ORDER

1. District's Motion to amend the complaint is granted.
2. The amended complaint shall be deemed filed on the date of this order.

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

3. District's Motion to maintain all currently scheduled hearing dates is granted.
4. All currently scheduled dates shall remain on calendar.
5. All applicable timelines shall be reset as of the date of this order.

IT IS SO ORDERED.

Dated: February 23, 2010

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings