

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

MENLO PARK CITY ELEMENTARY  
SCHOOL DISTRICT.

OAH CASE NO. 2009110324

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On November 9, 2009, Student filed a Due Process Hearing Request (complaint), against the Menlo Park City Elementary School District (District). On February 24, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The District did not file an opposition.

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

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. The previous agreed to continued Prehearing Conference on April 28, 2010 at 1:30 p.m. and Due Process Hearing of May 4, 5 and 6, 2010, remain on calendar.

IT IS SO ORDERED.

Dated: March 3, 2010

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.