

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LOS ALTOS UNIFIED SCHOOL
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009120020

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On December 01, 2009, the Los Altos Unified School District (District) filed a Due Process Hearing Request (complaint), naming Student as the respondent.

On February 9, 2010, District filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from Student.

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

District's motion seeks to amend the sole issue in the complaint to clarify and correct the issue for hearing and the proposed resolution. Student has not responded or opposed District's motion. The motion to amend is timely and is granted. District has also requested that OAH maintain the current scheduling order in which the hearing is set for March 29, 30 and April 1, 2010. A new scheduling order shall issue which restarts the timelines from the date of this order. Since those new dates would have been earlier than the currently scheduled dates, in light of district's request to retain the same hearing dates, a continuance is granted and the new scheduling order will reflect hearing dates of March 29, March 30 and April 1, 2010.

ORDER

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

1. District's Motion to amend the complaint is granted and all currently scheduled dates are vacated.
2. The amended complaint shall be deemed filed on the date of this order.
3. A new scheduling order shall issue with the following dates: prehearing conference March 15, 2010 at 10am; due process hearing March 29, 30 and April 1, 2010.
4. All applicable timelines shall be reset as of the date of this order.

IT IS SO ORDERED.

Dated: February 22, 2010

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings