

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RED BLUFF UNION ELEMENTARY  
SCHOOL DISTRICT.

OAH CASE NO. 2010040284

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On April 6, 2010, Student filed a Due Process Hearing Request (complaint), naming Red Bluff Union Elementary School District (District). On November 15, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). On November 17, 2010, the scheduled prehearing conference was convened and prior to opening the record this motion was heard. The District does not oppose the motion to amend complaint.

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

The motion to amend is timely and, there being no opposition, 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. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: November 22, 2010

/s/

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MICHAEL G. BARTH  
Administrative Law Judge  
Office of Administrative Hearings