

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010040771

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND ORDER
FILING SECOND AMENDED
COMPLAINT

On April 14, 2010, Student filed a Due Process Hearing Request (complaint) naming the Torrance Unified School District (District). On April 28, 2010, Student filed a first amended complaint. On June 9, 2010, Student filed a motion to file a second amended complaint. (second amended complaint). On June 9, 2010, the District filed a letter indicating it had no opposition to the filing of the second amended 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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

The motion to amend seeks to add additional issues following an individualized education program held in May 20, 2010. There is no opposition. The motion to file the second amended complaint is timely and is granted. The second 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: June 14, 2010

/s/

RICHARD CLARK
Presiding Administrative Law Judge
Office of Administrative Hearings

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

