

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIPON UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010080302

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On August 10, 2010, Tamara Loughrey , attorney, on behalf of Student, filed a Due Process Hearing Request (complaint), naming Ripon Unified School District (District). On September 27, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). Marcella L. Gutierrez, attorney, on behalf of District filed a reply on September 27, 2010, stating that District does not oppose Student's request for an 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).) 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 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: September 28, 2010

/s/

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MICHAEL G. BARTH  
Administrative Law Judge  
Office of Administrative Hearings