

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EAST WHITTIER CITY SCHOOL
DISTRICT.

OAH CASE NO. 2010080802

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 24, 2010, Student filed a Due Process Hearing Request (complaint), naming the District, which was consolidated on September 23, 2010, with a District complaint naming Student. On November 11, 2010, OAH granted Student's request to bifurcate Student's issues one and two. Subsequently, the parties settled Student's issues. On December 14, 2010, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). The District did not file an opposition to Student's request, and simply filed a Response to the amended complaint on December 17, 2010.

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).)

There being no objection to Student's request to amend, 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: January 12, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings

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