

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMPLETON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010090174

ORDER GRANTING LEAVE TO
AMEND COMPLAINT

On August 26, 2010, Student filed a due process hearing request (complaint), naming Templeton Unified School District. The matter is currently set for hearing in December 2010. On September 20, 2010, Student faxed an amended complaint to the Office of Administrative Hearings (OAH). Although Student did not file a motion seeking leave to amend, Student's filing of an amended complaint will be treated as a request for leave to amend.

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).)

Leave to file an amended complaint 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: October 5, 2010

/s/

SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings

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