

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RINCON VALLEY UNIFIED SCHOOL
DISTRICT AND SONOMA COUNTY
DEPARTMENT OF MENTAL HEALTH
AND KENWOOD ELEMENTARY
SCHOOL DISTRICT AND COTATI-
ROHNERT PARK UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011030536

ORDER GRANTING REQUEST TO
AMEND COMPLAINT

On March 10, 2011, Parent, on behalf of Student, filed a Due Process Hearing Request (complaint), naming Rincon Valley Unified School District, Sonoma County Department of Mental Health, and Kenwood Elementary School District. On March 14, 2011, Student filed an amended complaint.¹ Sonoma County Department of Mental Health filed a reply on March 28, 2011. On April 29, 2011, Student filed a second amended complaint, adding Cotati-Rohnert Park Unified School District as a respondent. The Office of Administrative Hearings received no opposition from the respondents.

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ The Office of Administrative Hearings treats the filing of an amended complaint as a request to file an amended complaint.

Student's request to amend 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. The Office of Administrative Hearings will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: May 4, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings