

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDONDO BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011040833

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 22, 2011, Student filed a due process complaint (complaint), naming District as respondent. On May 3, 2011, Student filed a motion to amend the complaint (amended complaint). District filed an opposition on May 6, 2011.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student seeks leave to amend its complaint by adding Issue 5 which District argues in its opposition is the same or similar to Student's affirmative defenses in District's pending case against Student, OAH case number 2011040662. The merits and/or sufficiency of Student's amended complaint are not at issue in this motion. 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 the instant case 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: May 09, 2011

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings

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