

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

HORIZON INSTRUCTIONAL SYSTEMS  
CHARTER SCHOOL.

OAH CASE NO. 2011060763

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On June 16, 2011, Student filed a Due Process Hearing Request (complaint) against the Horizon Instructional Systems Charter School (Charter School). On September 19, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) to add alleged violations for the 2011-2012 school year. Student's motion stated that the Charter School did not oppose the request.

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

The motion to amend is timely and is granted because the Charter School did not oppose the request to permit new allegations not alleged in the complaint, which had not yet occurred. 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. The Office of Administrative Hearings will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: September 20, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.