

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH CASE NOS. 2011070509 and
2011030815

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On March 17, 2011, the Capistrano Unified School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named Student. OAH assigned this matter case number 2011030815. On July 14, 2011, Student filed with OAH a Request for Reimbursement and Hearing (Student Complaint) that named the District. OAH assigned this matter case number 2011070509. On July 27, 2011, OAH consolidated the two cases, and ordered that the decision timeline is based upon the Student Complaint. Currently pending in the consolidated cases is a prehearing conference set for October 12, 2011, and a due process hearing set for October 24 to 27, 2011. On September 28, 2011, counsel for Student filed with OAH a Motion to Amend the Student Complaint, together with a proposed Amended Request for Due Process Hearing. On October 3, 2011, counsel for the District filed with OAH a non-opposition to this 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).) 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's Motion to Amend is timely and is granted. The proposed Amended Request for Due Process Hearing 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 05, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings