

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SWEETWATER UNION HIGH SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011090165

ORDER GRANTING REQUEST TO
FILE FIRST AMENDED DUE
PROCESS COMPLAINT

On September 02, 2011, the Sweetwater Union High School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing that named Student. OAH has set the following hearing dates in the matter: a mediation on September 21, 2011, a prehearing conference on September 28, 2011, and a due process hearing on October 4, 2011. On September 15, 2011, counsel for the District filed with OAH a proposed First Amended Request for Due Process Hearing in the case.

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).)

The District's request to file an amended pleading is timely and is granted. The First Amended Due Process Complaint shall be deemed filed on the date of this order, and the currently scheduled hearing dates shall be vacated. 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: September 16, 2011

/s/

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