

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CASTRO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011091098

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 29, 2011, Parents on behalf of Student filed a Due Process Hearing Request (complaint), naming Castro Valley Unified School District (District) as respondent. On October 4, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). In the cover letter accompanying the request to file the amended complaint, Student's attorney states that he is filing the amended complaint based on a conversation with District's counsel who had indicated that the District would file a Notice of Insufficiency. No opposition was received from the District.

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).)

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 shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

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

IT IS SO ORDERED.

Dated: October 19, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings