

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011100539

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 3, 2011, Student filed a Due Process Hearing Request (complaint), against the Temecula Valley Unified School District (District). On January 31, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The District did not submit a response.

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 motion to amend is timely and is granted because Student amended the complaint based on information that occurred after October 3, 2011, the request was made more than five days before the hearing commenced, and is Student's first request to amend the complaint. 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: February 7, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings