

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA BARBARA COUNTY OFFICE OF
EDUCATION AND SANTA BARBARA
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120040

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On December 1, 2011, Parents on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Santa Barbara County Office of Education (COE) and the Santa Barbara Unified School District (SBSD) as respondents. On December 7, 2011, Student filed a First Amended Complaint and Request for Due Process Hearing (FAC) with the Office of Administrative Hearings (OAH). The filing amounts to a request for leave to file an amended complaint. The FAC names an additional respondent, the Los Olivos School District (LOSD), and contains both factual allegations and claims as to LOSD. No opposition was received from the respondents.

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. 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.

IT IS SO ORDERED.

Dated: December 13, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings