

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SYLVAN UNION SCHOOL DISTRICT.

OAH CASE NO. 2011120871

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND COMPLAINT

On December 27, 2011, Parent, on Behalf of Student, (Student) filed a Due Process Hearing Request (complaint), naming Sylvan Union School District (District) as respondent. On March 13, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). Pursuant to a previously issued order from the Office of Administrative Hearings (OAH), a prehearing conference (PHC) had been scheduled to commence at 1:30 p.m. on March 14, 2012. Accordingly, Student's motion to amend was pending at the time noticed for the PHC and OAH staff contacted District to discern whether it intended to oppose Student's pending motion. Sarah Garcia, counsel for the District, informed OAH staff that she intended to oppose Student's motion and wished to state her opposition on the record as part of the PHC. The PHC was telephonically convened and Ms. Garcia was permitted to orally oppose Student's pending motion. Celia R. Bernal, Attorney at Law, appeared on behalf of Student, and she argued in support of Student's motion. Having considered the motion and the argument of counsel, the following order shall issue:

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).)

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

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: March 14, 2012

/s/

GARY GEREN
Administrative Law Judge
Office of Administrative Hearings