

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VALLEJO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012020757

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 21, 2012, Tania L. Whiteleather, Attorney at Law, on behalf of Student (Student) filed a Due Process Hearing Request (complaint) naming the Vallejo City Unified School District (District).

On April 2, 2012, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). On April 4, 2012, District, through its attorney, Rodney L. Levin, indicated that it did not oppose the Request to Amend.

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 Request to Amend is timely and is granted. The Due process hearing in this matter is currently set to begin on April 24, 2012, and therefore the request was made more than five days before the hearing commenced. Additionally, this is Student's first request to amend the complaint. Thus, the Request to Amend is proper.

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: April 6, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

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