

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

.NAPA VALLEY UNIFIED SCHOOL  
DISTRICT

OAH CASE NO. 2012030099

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On March 2, 2012, Student filed a Due Process Hearing Request (complaint), with the Office of Administrative Hearings (OAH) naming Napa Valley Unified School District (District). On April 12, 2012, Student filed a Request to Amend the Due Process Hearing Request (amended complaint).<sup>1</sup> The District did not file a reply or opposition.

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).)<sup>2</sup> 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: April 18, 2012

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings

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<sup>1</sup> Student did not file a formal request to amend his complaint, her complaint, but it is inferred that she did so by filing the Amended Request for Due Process, and based on comments made during the prehearing conference (PHC) on April 11, 2012.

<sup>2</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.