

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012030480

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 14, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the San Marcos Unified School District (District). Currently scheduled in the matter is a prehearing conference set for June 11, 2012, and a due process hearing set for June 18 – 21, 2012. On June 5, 2012, counsel for Student filed with OAH a Motion to Amend Student’s Due Process Complaint, and also filed a proposed Petitioner’s First Amended Due Process Complaint. On the same day, counsel for the District filed with OAH a non-opposition to the request to file an amended pleading.

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. Petitioner’s First Amended Due Process 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: June 06, 2012

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings