

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012040223

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 04, 2012, Student filed a Request for Due Process and for mediation (complaint), naming Bellflower Unified School District. On May 30, 2012, the Office of Administrative Hearings (OAH) issued an order granting Student leave to file a first amended complaint. On July 16, 2012, OAH held a prehearing conference (PHC) and granted the joint request of the parties to continue the first day of hearing to October 9, 2012. On September 24, 2012, Student filed a motion for leave to file a second amended complaint along with Student's second amended complaint. On September 27, 2012, District filed an opposition to the motion for leave 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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

District argues in its opposition that the PHC was held in July 2012, the issues were set, that Student did not file a declaration establishing good cause for filing a second amended complaint after the PHC took place, and that Student's representatives agreed to the October 9, 2012 hearing dates. None of District's arguments establish that District would suffer any prejudice in granting leave to Student's timely motion to amend.

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: September 28, 2012

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings

