

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012040379

ORDER GRANTING MOTION TO
FILE FIRST AMENDED COMPLAINT

On April 9, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the Sacramento City Unified School District. Currently pending in the matter is a prehearing conference set for August 20, 2012, and a due process hearing set for August 28, 2012. On July 31, 2012, counsel for Student filed with OAH a proposed First Amended Request for Due Process Hearing. On August 6, 2012, counsel for the District filed with OAH a response to the 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).)

Student's implicit request to amend is timely and is granted. The First Amended Request for Due Process Hearing 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: August 13, 2012

/s/

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