

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012050476

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 09, 2012, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Stockton Unified School District (District). On June 14, 2012, the Student submitted an amended request for Due Process Hearing with a proposed amended complaint (amended complaint). The District has not filed an 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).)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 Office of Administrative Hearings (OAH) issued a scheduling order for this matter on May 10, 2012. Included in this order, OAH scheduled the Due Process Hearing on July 3, 2012, which is more than five days from the date Student submitted his amended complaint. As such, 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: June 21, 2012

/s/

PAUL H KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

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