

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CLAREMONT UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012070097

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 3, 2012, Mother, on behalf of Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming the Claremont Unified School District (District). On July 18, 2012, Attorney Tania L. Whiteleather, on behalf of Student, filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from the District.

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. (§ 1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted because Student's amended complaint clarifies factual and legal contentions regarding the District's alleged failure to assess Student, the request was made more than five days before the hearing commenced, and is Student's first request to amend the complaint.

Accordingly, 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: July 25, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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