

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAKE ELSINORE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012080373

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On August 14, 2012, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming Lake Elsinore Unified School District (District). Pursuant to the Prehearing Conference Order issued November 26, 2012, OAH gave Student leave to file an amended complaint until December 14, 2012. On December 14, 2012, Student filed an amended complaint. (amended complaint). On December 18, 2012, the District filed its Response to the amended complaint.

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).)<sup>1</sup> 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. The amended complaint shall be deemed filed on December 14, 2012. Further, December 14, 2012 shall be deemed the first continuance dated. The due process hearing dates of January 22, 23, 28, 29, and 31, and February 1, 2013, shall remain as scheduled.<sup>2</sup> Prehearing Conference is set for January 14, 2013, at 1:30 p.m. OAH will issue a scheduling order for a new mediation date.

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

<sup>2</sup> The hearing dates were preselected at the PHC by the parties due to Student's attorney's medical disability. The parties are hereby informed that, subsequent to the PHC, OAH tentatively set the last two weeks of January for training, which may render OAH dark for the hearing dates selected by the parties. The DPH dates shall remain as scheduled, unless notified by OAH or continued by agreement of the parties.

IT IS SO ORDERED.

Dated: December 19, 2012

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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings