

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EL RANCHO UNIFIED SCHOOL
DISTRICT.

OAH CASE NOS. 2012100246 and
2012101065

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 4, 2012, Parent on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the El Rancho Unified School District (District). OAH assigned this matter case number 2012100246. On October 19, 2012, the District, through counsel, filed with OAH a Due Process Complaint that named Student. OAH assigned this matter case number 2012101065.

On November 11, 2012, OAH granted a request to consolidate the two cases, and set the following dates in the consolidated matters: a mediation for December 12, 2012, a prehearing conference for January 9, 2013, and a due process hearing from January 14 to 17, 2013.

On December 4, 2012, counsel for Student filed with OAH a proposed First Amended Request for Due Process Hearing, which OAH considers a motion to amend the pleading in case number 2012100246. Counsel for the District has not filed a response to this request.

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 motion to amend is timely and is granted. The First Amended Request for Due Process Hearing in case number 2012100246 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 mediation and hearing dates in these consolidated cases, based upon the timelines for a student-filed due process complaint.

IT IS SO ORDERED.

Dated: December 07, 2012

/s/

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