

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MORONGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013030369

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 8, 2013, Student's parent on behalf of Student (Student) filed a due process hearing request (complaint), naming Morongo Unified School District (District). On April 2, 2013, Student filed a request to amend Student's complaint and along with a proposed amended complaint. On April 4, 2013, the District filed a response to the amended complaint, but did not oppose Student's request to amend. The due process hearing in this matter is currently set for May 7, 2013.

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).)

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.¹

IT IS SO ORDERED.

Dated: April 4, 2013

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings

¹ Student's papers indicate that Student and the District wish to request particular hearing dates. That request should be addressed in a separate motion once the new scheduling order has been issued.