

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013090573

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On September 17, 2013, Student's parents on behalf of Student (Student) filed a due process hearing request (complaint), naming the Poway Unified School District (District). On October 28, 2013, Student filed a motion to amend the due process hearing request (amended complaint). On October 29, 2013, the District filed a statement of non-opposition to the motion.

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.<sup>1</sup>

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<sup>1</sup> When Student filed the proposed amended complaint with the Office of Administrative Hearings (OAH), the document was split among three different fax transmissions. Although the entire amended complaint was received and is deemed filed as of the date of this order, it would be helpful if Student's counsel could send a new copy of the amended complaint to OAH, either as a single faxed document or by regular mail if Student's fax machine cannot transmit the entire document at one time.

IT IS SO ORDERED.

Dated: October 29, 2013

/s/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings