

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015101065

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DENYING MOTION TO CONTINUE

On October 27, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Bellflower Unified School District. On December 2, 2015, District filed a Motion to Continue the dates in this matter, citing as grounds for the motion the fact that Student would be filing an amended complaint. On December 4, 2015, Student filed a Motion to Amend the Due Process Hearing Request. District filed a statement on non-opposition on December 7, 2015.

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).)

District has consented to the filing of the amended complaint, provided that the hearing dates are continued by its filing. 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. Accordingly, District's previously-filed Motion to Continue is denied as moot.

IT IS SO ORDERED.

DATE: December 7, 2015

/s/

CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings