

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SWEETWATER UNION HIGH SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011090116

ORDER GRANTING REQUEST TO  
FILE FIRST AMENDED COMPLAINT

On September 02, 2011, the Sweetwater Union High School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing and Mediation that named Student. OAH has scheduled the following hearing dates in the case: a mediation on September 20, 2011, a prehearing conference on September 26, 2011, and a due process hearing on September 29, 2011. On September 14, 2011, counsel for the District filed with OAH a proposed First Amended Request for Due Process Hearing in the matter.

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 District's request to file an amended pleading in this case is timely and is granted. The First Amended Request for Due Process Hearing shall be deemed filed on the date of this order. The currently scheduled hearing dates are vacated, and all applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: September 15, 2011

/s/

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