

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO FOSTER CITY SCHOOL
DISTRICT.

OAH Case No. 2015100293

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 1, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming San Mateo Foster City School District. On October 28, 2015, Student filed a Request to Amend the Due Process Hearing Request. No opposition was received. On November 4, 2015, OAH issued an Order Denying Motion to Amend Complaint, Without Prejudice. On November 9, 2015, Student filed a Second Motion to Amend the Due Process Hearing Request (amended complaint). San Mateo Foster City filed a Non-Opposition to Petitioner's Motion to Amend Due Process Complaint on November 13, 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).)

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.

IT IS SO ORDERED.

DATE: November 20, 2015

/s/

LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings