BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LAKE ELSINORE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016040427 ORDER GRANTING MOTION TO AMEND COMPLAINT

On April 4, 2016, Parents on behalf of Student filed a Due Process Hearing Request with the Office of Administrative Hearings, naming Lake Elsinore Unified School District. On May 20, 2016, OAH granted Student's first Motion to Amend the Due Process Hearing Request. On July 26, 2016, Student filed a second Motion to Amend the Due Process Hearing Request. District filed an opposition on July 28, 2016.

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.[1] 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: August 4, 2016

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Paul H. Kamoroff
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PAUL H KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

[1] In its opposition, District argues that several issues in Student's second amended complaint should be dismissed on various grounds. District is not estopped from filing a motion to dismiss issues.