BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>PARENTS ON BEHALF OF STUDENT,<br><br>v.<br><br>NEWPORT-MESA UNIFIED SCHOOL DISTRICT. | OAH CASE NO. 2012050785<br><br>ORDER GRANTING MOTION TO AMEND COMPLAINT |

On May 17, 2012, Parents, on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the Newport-Mesa Unified School District (District). Currently scheduled in the case are hearing dates set for May 14, 15 and 16, 2013. On May 9, 2013, Student filed with OAH a request to file a First Amended Due Process Complaint in the matter, along with a proposed first amended pleading. Counsel for the District has filed with OAH a non-opposition to the request.

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 First Amended Due Process Complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. Pursuant to the stipulation of the parties, OAH will issue a scheduling order with the following new hearing dates: a prehearing conference set for July 10, 2013, at 10:00 a.m., and a due process hearing for July 23, 24, 25 and 26, 2013.

IT IS SO ORDERED.

Dated: May 09, 2013

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