

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ESCONDIDO UNION SCHOOL
DISTRICT.

OAH CASE NO. 2013050343

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 10, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the Escondido Union School District (District). On September 27, 2013, Student filed with OAH a proposed First Amended Complaint, which OAH treats as a request to amend the initial pleading. The District has not opposed the filing of the First Amended Complaint.

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 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.

Dated: October 02, 2013

/s/

TIMOTHY L. NEWLOVE

Presiding Administrative Law Judge
Office of Administrative Hearings