

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MARTINEZ UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013090004

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 28, 2013, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Martinez Unified School District (District). On October 16, 2013, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from the District.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Here, the due process hearing is set for November 19, 2013. Therefore, 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.

Dated: October 22, 2013

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

