

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. 2014040189

ORDER GRANTING MOTION TO
AMEND COMPLAINT, RESETTING
TIMELINESS AND DENYING
REQUEST FOR CONTINUANCE
WITHOUT PREJUDICE

On April 1, 2014, Student filed a Due Process Hearing Request (complaint), naming Lake Elsinore Unified School District. On April 28, 2014, Student filed a Request to Amend the Due Process Hearing Request (amended complaint) pursuant to a stipulation with District consenting to the amendment (Stipulation). The Stipulation included a request for continuance of the hearing dates to September 2014.

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.

The parties' stipulation to continue the hearing dates is denied without prejudice. The parties may file a request for continuance after OAH issues a new scheduling order based on the timelines for the amended complaint.

IT IS SO ORDERED.

DATE: April 28, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings