

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2015020659

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On February 13, 2015, Student filed a Due Process Hearing Request (Complaint), naming Santa Monica-Malibu Unified School District. On March 12, 2015, Student filed a Motion to Amend the Complaint. No opposition was received from District.

During the Prehearing Conference of Friday, March 6, 2015, Student's attorney stipulated that she would file an amended complaint as to the non-expedited claims in the complaint. District's attorney affirmed and agreed to the amendment on the record.

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).)

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

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.

DATE: March 20, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings