BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. NEWPORT-MESA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015050430 ORDER GRANTING MOTION TO AMEND COMPLAINT

On April 30, 2015, Student filed a Due Process Hearing Request (complaint), naming Newport-Mesa Unified School District. On June 4, 2015, OAH granted the parties' joint request to continue the scheduled mediation, prehearing conference, and hearing. On August 20, 2015, Student filed a motion to amend the complaint, with the proposed amended pleading. District did not file opposition.

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).)

The motion is timely and unopposed by respondent. The declaration of Student's attorney Richard L. Isaacs states that District's attorney Daniel Harbottle represented that District would not oppose Student's motion to amend, as confirmed in an email that was attached as Exhibit A. Further, the proposed amended complaint clarifies issues of the initial complaint, as well as adding related issues for hearing.

The motion is granted. The amended complaint shall be deemed filed on the date of

[1] All statutory citations are to title 20 United States Code unless otherwise indicated.

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: August 31, 2015

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings