BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. IRVINE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110472 ORDER GRANTING MOTION TO AMEND COMPLAINT

On November 14, 2016, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Irvine Unified School District. On March 9, 2017, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint), and requested the existing due process hearing dates of March 21 through 23, 2017 remain as currently scheduled. District filed a reply on March 9, 2017, consenting to the motion to amend the complaint, but opposing the request to maintain the March 21 through 23, 2017 hearing dates. Instead, District requested that the applicable timeline for due process hearing be reset pursuant to statute. (20 U.S.C. § 1415(c)(2)(E)(ii).)

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.

IT IS SO ORDERED.

DATE: March 10, 2017

DocuSigned by:
Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings