BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS, RIALTO UNIFIED SCHOOL DISTRICT, AND COLTON JOINT UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015060423 ORDER GRANTING MOTION TO AMEND COMPLAINT

On May 21, 2015, Student filed a Due Process Hearing Request (complaint), naming respondents San Bernardino County Superintendent of Schools, Rialto Unified School District, and Colton Joint Unified School District. At the prehearing conference of August 17, 2015, the hearing was continued to September 28, 2015, primarily due to the recent retention of new counsel by all parties. On August 24, 2015, Student filed a motion to amend the complaint, with the proposed amended pleading. On August 27, 2015, the respondents filed notice of non-opposition to the motion to amend.

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 to amend is timely and unopposed by the respondents. The proposed amended complaint clarifies the 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

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

the date of this. 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 28, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings