BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017120638
v.	AMENDED ORDER FOLLOWING PREHEARING CONFERENCE GRANTING MOTION TO AMEND COMPLAINT AND ISSUE AMENDED SCHEDULING ORDER
HAYWARD UNIFIED SCHOOL DISTRICT.	

On March 12, 2018, a telephonic prehearing conference was held before Administrative Law Judge Tiffany Gilmartin, Office of Administrative Hearings. Rosa Bay and Fanna Gamal, Attorneys at Law, appeared on behalf of Student. David Mishook, Attorney at Law, appeared on behalf of Hayward Unified School District. The PHC was recorded.

On March 7, 2018, Student filed a motion for leave to file a second amended complaint together with her amended complaint. District did not file a response. During the PHC, District was heard on the matter and did not object to Student's second motion to amend complaint.

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. It was filed more than five days prior to the start of the due process hearing and there was no objection from opposing counsel. The amended complaint shall be deemed filed on the date of this order.

All applicable timelines were reset effective March 13, 2018, the date the original order was issued. On March 13, 2018, a scheduling order was issued containing the dates for the non-expedited portion of this hearing.

This amended order is issued to confirm OAH will issue an amended scheduling order containing dates for both the expedited and non-expedited claims raised in Student's second amended complaint.

ORDER

An Amended Scheduling Order containing both expedited and non-expedited dates will be issued.

IT IS SO ORDERED.

DATE: March 13, 2018

DocuSigned by:
Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings