BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ORCUTT UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2020100618

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 5, 2021

On October 19, 2020, Parent on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Orcutt Union School District. The Office of Administrative Hearings is referred to as OAH. On January 4, 2021, Student filed a motion to amend the due process hearing request and an amended complaint. Orcutt Union filed a non-opposition.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 was filed more than five days prior to the due process hearing. Therefore, it 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.

Alexa Hohensee
Alexa Hohensee (Jan 5, 2021 13:58 PST)

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings