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 NUMBER 2019120861

ORDER GRANTING SECOND MOTION TO AMEND COMPLAINT

MAY 7, 2020

On December 20, 2020, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Newport-Mesa Unified School District. The Office of Administrative Hearings is referred to as OAH. On March 26, 2020, OAH granted Student's motion to amend the complaint. This matter is currently scheduled for hearing beginning May 19, 2020.

On May 6, 2020, Student filed a Second Motion to Amend and a proposed second amended complaint. On May 6, 2020, Newport-Mesa 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).)

Student seeks to add an additional allegation regarding Newport-Mesa's alleged failure to provide prior written notice regarding school closures and programming changes related to the novel coronavirus, COVID-19 pandemic. Student also wishes to amend the proposed remedies in light of the pandemic. The motion to amend is timely, unopposed, and is hereby 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.

DocuSigned by:
Theresa Ravandi
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Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings