BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022030740

OAH CASE NUMBER 2022040196

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 07, 2022

On March 22, 2022, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022030740, Student's Case, naming Riverside Unified School District.

On April 6, 2022, Riverside Unified School District filed a Request for Due Process Hearing in OAH case number 2022040196, Riverside's Case, naming Parent on behalf of Student.

On April 6, 2022, Riverside filed a Motion to Consolidate the cases. On April 12, 2022, OAH granted the Motion to Consolidate, and designated OAH case number 2022030740 as the primary case in the consolidated matter.

On May 24, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint for OAH case number 2022030740. Riverside does not oppose the motion.

MOTION TO AMEND

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. OAH has received written consent to the amendment. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order, the previously determined primary case designation remains, and the decision timeline governed by amended complaint in OAH case number 2022030740. OAH will issue a scheduling order with the new dates. As OAH granted the parties' continuance request on April 29, 2022, so the parties could participate in mediation, any subsequent continuance request shall establish good cause by way of declaration.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings