BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SOLEDAD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021050137

ORDER GRANTING MOTION TO AMEND COMPLAINT AND DEEMING NOTICE OF INSUFFICIENCY MOOT

MAY 25, 2021

On May 5, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Soledad Unified School District as respondent. On May 20, 2021, Soledad filed a Notice of Insufficiency as to Student's complaint. On May 24, 2021, Student filed an opposition to the Notice of Insufficiency with a Notice of Motion and Motion to Amend the Due Process Hearing Request. Student also filed a proposed amended complaint. No response to Student's Motion to Amend was received from Soledad.

Initially, Student is reminded that each motion document is required to be filed separately. In future, Student risks denial of his motion by bundling documents pertaining to different motions into a single filing.

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, the motion is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All previously scheduled dates in this matter are hereby vacated. OAH will issue a scheduling order with the new dates. All applicable timelines shall be reset as of the date of this order.

The previously filed Notice of Insufficiency is deemed moot due to the filing of Student's amended complaint.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings