BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

MILPITAS UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2025060681

OAH CASE NUMBER 2025030762

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 9, 2025

On March 19, 2025, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Milpitas Unified School District. The Office of Administrative Hearings is referred to as OAH. On June 17, 2025 Milpitas Unified filed a complaint naming Student. On June 19, 2025 OAH consolidated Student's complaint, OAH case number 2025030762 with Milpitas Unified's complaint, OAH case number 2025060681. The due process hearing on the consolidated matters is scheduled for September 23, 2025.

On September 4, 2025, Milpitas Unified filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Student.

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.

Judith Pasewark

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings