BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019110836

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 24, 2020

On November 20, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Bellflower Unified School District. The Office of Administrative Hearings is referred to as OAH. On June 22, 2020, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Bellflower filed a non-opposition on June 23, 2020.

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).)

Granting this motion to amend significantly delays adjudication in a case filed in November 2019. All factors, including timeliness, regarding amendment were considered. The motion to amend was filed more than five days prior to the due process hearing. The motion is granted. However, the parties are on notice that due to the length this case has been pending, no continuances will be granted absent extraordinary good cause.

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. The parties should expeditiously arrange their calendars to accommodate the new scheduling order as delays will be disfavored.

IT IS SO ORDERED.

DocuSigned by:
Marlo Nisperos
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Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings