BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022100859

ORDER GRANTING SECOND MOTION TO AMEND COMPLAINT

JANUARY 3, 2023

On October 28, 2022, Parents on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Newport-Mesa Unified School District. On December 1, 2022, OAH granted Student's motion to amend the complaint.

On December 23, 2022, Student filed a motion to amend the first amended complaint and a second amended complaint. Newport-Mesa Unified School District filed non-opposition to Student's motion on December 27, 2022.

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's second amended complaint was filed more than five days before the due process hearing and is unopposed. Thus, Student's second motion to amend the complaint is granted. The second amended complaint will be deemed filed on the date of this order. All applicable timelines will be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings