BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

OROVILLE CITY ELEMENTARY SCHOOL DISTRICT AND

THERMALITO UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2021030708

ORDER GRANTING MOTION TO AMEND COMPLAINT

APRIL 13, 2021

On March 13, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Oroville City Elementary School District. The Office of Administrative Hearings is referred to as OAH. On April 7, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint, which added Thermalito Union Elementary School District as a party. No opposition was received from either Oroville City or Thermalito Union.

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. As Oroville City and Thermalito Union are represented by the same attorney, the April 23, 2021 mediation remains on calendar unless cancelled by one of the parties.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings