BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT AND ROUND VALLEY INDIAN TRIBES ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023030253

ORDER GRANTING MOTION TO AMEND COMPLAINT

MARCH 17, 2023

On March 8, 2023, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Elk Grove Unified School District. The Office of Administrative Hearings is referred to as OAH. On March 10, 2023, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint, and minutes later a document titled a corrected amended complaint. The corrected amended complaint identifies Parent and Round Valley Indian Tribes as the petitioners on Student's behalf. Elk Grove did not file any response. The due process hearing is scheduled to begin on April 25, 2023.

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, identified as the corrected 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.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings