BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020120386

# ORDER GRANTING MOTION TO AMEND COMPLAINT AND FINDING MOTION TO QUASH MOOT

MARCH 9, 2021

On December 11, 2020, Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Manhattan Beach Unified School District. The Office of Administrative Hearings is referred to as OAH. On March 9, 2021, Student filed an amended complaint incorporated with a motion to amend Student's complaint. Manhattan Beach filed a non-opposition.

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 seeks to amend the complaint to add claims arising after the filing of the original complaint, and to include Student's recent diagnosis of autism. 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.

Manhattan Beach requests in its non-opposition that OAH rule on the pending motion to quash and modify the subpoenas duces tecum issued in this matter to require production on the new hearing date. However, as the subpoenas duces tecum were issued based on claims in a different complaint, the motion to quash is moot and production is no longer required under the previously served subpoenas duces tecum. No order will issue on the motion to quash, and Manhattan Beach's request for modification of the subpoenas duces tecum is denied.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings