BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022120336

OAH CASE NUMBER 2022120719

ORDER GRANTING MOTION TO AMEND COMPLAINT

March 1, 2023

On December 9, 2022, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022120336, naming Downey Unified School District.

On December 23, 2023, Downey filed a Request for Due Process Hearing in OAH case number 2022120719, naming Student.

On December 28, 2022, Downy filed a Motion to Consolidate the cases. On January 3, 2023, OAH granted the Motion to Consolidate the non-expedited issues, and designated OAH case number 2022120336, Student's Case, as the primary case in the consolidated matter.

A hearing was held on the expedited issues raised in Student's compliant. A decision was issued on the expedited claims on January 23, 2023. On February 28, 2023, Downey filed a Motion to Amend its Due Process Hearing Request and an amended complaint. The same day, Student filed a non-opposition to Downey's motion. No expedited claims are raised in Downey's proposed amended complaint.

MOTION TO AMEND

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, the previously determined primary case designation remains, and the decision timeline governed by amended complaint in OAH case number 2022120336, Student's Case.

OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (Mar 1, 2023 15:28 PST)

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings