BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023050452

ORDER GRANTING MOTION TO AMEND COMPLAINT

AUGUST 10, 2023

On May 8, 2023, Parent on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Temecula Valley Unified School District. The Office of Administrative Hearings is referred to as OAH.

On August 4, 2023, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was filed by Temecula Valley, although counsel for Student indicated in a declaration under oath that counsel for Temecula Valley consented and had no opposition. Temecula Valley has filed a response to the amended complaint with OAH.

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. Although no opposition was filed, Temecula Valley has already responded to the amended complaint. Therefore, the motion 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.

IT IS SO ORDERED.



Brian H. Krikorian
Administrative Law Judge
Office of Administrative Hearings