

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**CLOVIS UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2019041182**

**ORDER GRANTING MOTION FOR STUDENT'S SECOND AMENDED
COMPLAINT AND DENYING STUDENT'S REQUEST FOR CONTINUANCE
AND MOTION TO BE EXCUSED FROM FILING A PREHEARING
CONFERENCE STATEMENT AS MOOT**

On April 26, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Clovis Unified School District. The Office of Administrative Hearings is referred to as OAH. Student filed a first motion to Amend the Due Process Hearing and an amended complaint on July 19, 2019. OAH granted this request on July 26, 2019. Student filed a second motion to Amend the Due Process Hearing and amended complaint on September 3, 2019. Clovis filed an opposition to Student's motion on September 5, 2019. Student, separately, filed a motion to continue on September 5, 2019. On September 9, 2019, Student additionally filed a request to be excused from filing a prehearing conference statement.

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. The granting of the motion to amend renders moot Student's request for continuance. No further continuances or motions to amend will be considered absent a showing of good cause. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATED: September 9, 2019

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Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings