

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

GROSSMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021050387

ORDER GRANTING MOTION TO AMEND COMPLAINT

September 15, 2021

On May 12, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Grossmont Union High School District. The Office of Administrative Hearings is referred to as OAH. On June 22, 2021, OAH granted the parties, continuance request so the parties could mediate, which occurred on August 4, 2021. On September 9, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Grossmont Union High School District.

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. OAH will issue a scheduling order with the new dates. As OAH has already continued this matter and the parties have participated in mediation, any request for a continuance shall establish good cause by way of declaration and this matter takes priority over later filed cases.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings