

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021050472

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 27, 2021

On May 17, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Poway Unified School District. The Office of Administrative Hearings is referred to as OAH. This matter is scheduled for hearing beginning October 5, 2021. On September 22, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Student seeks to add one additional issues related to one of the original issues. Poway Unified filed a non-opposition on September 24, 2021.

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. Having considered the facts and circumstances of this case, Student's motion to amend is granted. However, given the amount of time this case has been pending, the parties are advised that OAH will not be inclined to grant any further continuances.

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.

Theresa Ravandi

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Administrative Law Judge

Office of Administrative Hearings