

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENT ON BEHALF OF STUDENT,

v.

ARCATA SCHOOL DISTRICT, EUREKA CITY SCHOOLS, AND  
LOLETA UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2021060361

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 17, 2021

On June 8, 2021, Parent on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Arcata School District and Eureka City Schools. The Office of Administrative Hearings is referred to as OAH. On September 14, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint to add Loleta Union Elementary District as a respondent. On September 16, 2021, Arcata and Eureka contacted OAH and indicated they were not opposed to the motion.

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.

IT IS SO ORDERED.

*Rommel P. Cruz*

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings