

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

and

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040841

OAH CASE NUMBER 2021080311

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 28, 2021

On October 25, 2021, Student filed a Motion to Amend the Due Process Hearing Request and filed an amended complaint with the Office of Administrative Hearings on October 22, 2021. The Office of Administrative Hearings is referred to as OAH. Downey Unified School District did not oppose 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 and there was no opposition. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order.

At the October 18, 2021 prehearing conference, the parties waived the statutory timelines, including the holding of another resolution session, due to the fact that Student was only amending dates to conform to Downey Unified's amendment to its due process complaint. No substantive changes were made, and the parties have already had a resolution session and held a mediation. As such all applicable timelines shall remain the same.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Brian H. Krikorian".

Brian H. Krikorian

Administrative Law Judge

Office of Administrative Hearings