

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 2021050695

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 18, 2021

On May 24, 2021, Parent on behalf of 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. On October 13, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. On October 18, 2021, Poway filed a non-opposition.

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. Additionally, OAH has received written consent to the amendment. 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, which shall likely include a due process hearing in mid-December 2021. OAH previously granted the parties' joint request for a continuance on July 6, 2021. In the event the parties intend to request another continuance, they shall make such request in writing at the earliest possible time following this Order, with good cause provided as this case takes precedent over later filed cases.

IT IS SO ORDERED.

*Cararea Lucier*

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings