

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ORINDA UNION SCHOOL DISTRICT.
OAH CASE NUMBER 2021070616

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 13, 2021

On July 19, 2021, Parents on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Orinda Union School District. The Office of Administrative Hearings is referred to as OAH. On August 6, 2021, the parties filed a Joint Request to Set Mediation and Continue Due Process Hearing. On August 9, 2021, OAH issued an Order Granting Joint Request to Schedule Mediation and Continue Due Process Hearing.

On October 11, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Orinda Union School District filed a statement of non-opposition on October 12, 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 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 granted the parties' earlier continuance request, any subsequent continuance request shall establish good cause by way of declaration.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings