

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080878

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 26, 2021

On August 27, 2021, Parents on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Pleasanton Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 22, 2021, OAH granted Student's unopposed motion to amend the complaint and rescheduled the due process hearing for November 16-18, 2021. On October 20, 2021, Student filed a motion to amend the complaint, with the proposed Second Amended Request for Due Process. No opposition has been received from Pleasanton Unified.

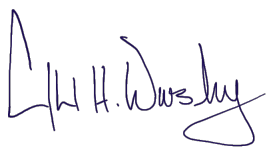
An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or

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 is timely. Student seeks to file a second amended complaint because, soon after the filing of the first amended complaint, Pleasanton Unified allegedly amended its offer of a free and appropriate public education at an amendment individualized education program meeting. Student disagrees with the amendment IEP offer, which relates to the IEP offer already at issue in the case. The motion to amend is granted.

The second 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.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings