

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090821

ORDER GRANTING SECOND MOTION TO

AMEND COMPLAINT

OCTOBER 13, 2021

On September 27, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Bonita Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 11, 2021, OAH granted Student's motion to amend the complaint.

On October 12, 2021, Student filed a second motion to amend the complaint and a second amended complaint. On October 12, 2021, Bonita Unified filed a non-opposition 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 second motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and 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.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings