

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CENTRAL SCHOOL DISTRICT.
OAH CASE NUMBER 2021070303

ORDER GRANTING SECOND MOTION TO AMEND
COMPLAINT

NOVEMBER 4, 2021

On June 29, 2021, Central School District filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Student as respondent. The Office of Administrative Hearings is referred to as OAH. On July 9, 2021, Student filed a due process complaint naming Central School District as respondent. On July 15, 2021, the cases were consolidated. On September 23, 2021, Student filed an amended complaint. On October 19, 2021, Central withdrew its due process complaint. On October 29, 2021, Student filed a second motion to amend the due process complaint and a second amended complaint. No opposition was received from Central.

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.

IT IS SO ORDERED.

Rita Defilippis

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Administrative Law Judge

Office of Administrative Hearings