

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:  
PARENT ON BEHALF OF STUDENT,

and

ORINDA UNION SCHOOL DISTRICT.

OAH CASE NUMBERS 2021070616 AND 2021110064

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 30, 2021

On July 19, 2021, Student filed a request for due process hearing naming the Orinda Union School District. OAH set an initial hearing date of September 14, 2021. On August 9, 2021, OAH granted the parties' joint request for mediation and continuance, setting the hearing for October 26, 2021. The parties participated in mediation on September 10, 2021.

On October 11, 2021, Student filed a motion to amend Student's Complaint. On October 13, 2021, OAH granted Student's motion and issued a new scheduling order setting the hearing for December 7, 8, and 9, 2021. On October 29, 2021, Orinda Union filed a request for due process hearing, naming Student, and a motion to consolidate Student's case with Orinda Union's case. At the time, Orinda Union agreed that the consolidated matter could proceed to hearing on December 7, 2021, as scheduled in

Student's case. OAH consolidated the two cases and retained the December 7, 2021 hearing date. On November 17, 2021, OAH granted the parties' request for a second mediation and continuance of hearing, emphasizing that no further continuances would be granted absent extraordinary cause. On November 23, 2021, Orinda filed a motion to amend its complaint and an amended complaint. On November 29, 2021, Student 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).)

Orinda's motion to amend was filed more than five days prior to the due process hearing, and OAH has received written consent to the amendment. The parties request that if the motion to amend is granted, this consolidated matter shall proceed on the currently scheduled dates for hearing. Orinda's motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All currently scheduled dates for mediation, prehearing conference, and hearing remain.

IT IS SO ORDERED.

*Rita Defilippis*

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings