

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080666

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 17, 2021

On August 20, 2021, Parent on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Bellflower Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 28, 2021, the parties filed a Joint Request to Schedule Mediation and Continue Hearing Dates. On September 28, 2021, OAH issued an Order Granting Request for Videoconference Mediation and Continuance of Due Process Hearing.

Student filed a First Amended Complaint on November 16, 2021. Student's proposed First Amended Complaint was not filed with a Motion to Amend the Complaint. On November 17, 2021, the parties filed a Stipulation for Filing First Amended Complaint.

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 Bellflower Unified School District consented to the amendment. 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