

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080799

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 8, 2021

On August 26, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Rocklin Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 1, 2021, OAH continued the hearing to November 16, 2021, to permit the parties to mediate the matter.

On November 2, 2021, Student filed a Motion to Amend the Due Process Hearing Request and a proposed amended complaint. By the motion, Student seeks to add additional issues and resolutions, and correct a clerical error in the original complaint. Rocklin did not file written opposition.

On November 5, 2021, the parties failed to appear at the PHC. OAH set an Order to Show Re Dismissal for November 12, 2021, and continued the PHC and hearing dates for one week.

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 Rocklin does not oppose the motion. Therefore, the motion 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 PHC and hearing dates.

The Order to Show Cause Re Dismissal remains on calendar for November 12, 2021 at 1:00 PM.

IT IS SO ORDERED.



Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings