

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ARVIN UNION SCHOOL DISTRICT.
OAH CASE NUMBER 2021070969

ORDER GRANTING STUDENT'S MOTION TO AMEND
COMPLAINT

DECEMBER 08, 2021

On July 29, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Arvin Union School District and Kern High School District. The Office of Administrative Hearings is referred to as OAH. Student dismissed Kern High School District on November 3, 2021. On December 3, 2021, Student filed a Motion for Leave to File a first amended due process hearing request, and a proposed first amended complaint naming Arvin, only. Arvin filed a Notice of Non-Opposition to Student's motion for leave to file an amended complaint on December 7, 2021.

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).)

Student filed Student's motion for leave to file a first amended complaint more than five days prior to the due process hearing, and OAH has received Arvin's written consent to the amendment. Student's motion is timely and unopposed, and is therefore 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.

A handwritten signature in black ink, appearing to read "Robert G. Martin", with a stylized flourish at the end.

Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings