

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080879

ORDER GRANTING MOTION TO FILE THIRD AMENDED
COMPLAINT

JANUARY 6, 2022

On August 27, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Pleasanton Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 22, 2021, OAH granted Student's unopposed motion to amend the complaint. On October 26, 2022, OAH granted Student's request to file a second amended complaint. The parties participated in mediation on November 16, 2021. On November 23, 2021, OAH granted the parties' requests for a second mediation and to continue the due process hearing, setting mediation on January 12, 2022, the prehearing conference on January 31, 2022, and hearing on February 8, 9, and 10,

2022. On January 4, 2022, Student filed a request to file a third amended complaint. On January 6, 2022, Pleasanton 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).)

The motion to amend and third amended complaint was filed more than five days prior to the due process hearing. OAH has received written consent to the amendment. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. In its non-opposition, Pleasanton opposed Student's request to keep currently scheduled dates for the prehearing conference and hearing so that it may have time to respond to new issues alleged in Student's third amended complaint. Student's request to keep currently scheduled dates is denied. All applicable timelines shall be reset as of the date of this order. The mediation scheduled

for January 12, 2022, remains on calendar unless cancelled by a party, and the timeline governing this matter shall not change. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) 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