

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MERCED COUNTY OFFICE OF EDUCATION AND
MERCED CITY ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2022010192

ORDER GRANTING MOTION TO AMEND AND
ADD A PARTY

JANUARY 18, 2022

On January 07, 2022, Student filed a due process hearing complaint with the Office of Administrative Hearings, referred to as OAH, naming Merced County Office of Education. On January 12, 2022, Student filed a Motion to Amend the Due Process Hearing Request to add issues and a party, and an amended complaint. Neither Merced County Office of Education nor Merced City Elementary School District responded to Student's motion.

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 is timely. Student's amended complaint adds Merced City Elementary School District as a party and adds several issues not in the original complaint. Student filed the motion to amend and the amended complaint on the attorney who represents both Merced County Office of Education and Merced City Elementary School District. Therefore, the motion to amend is granted.

ORDER

1. The motion to amend and add Merced City Elementary School District as a party is granted.
2. 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.

Linda Johnson

Linda Johnson
Administrative Law Judge
Office of Administrative Hearings