

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021100133

ORDER FOLLOWING PREHEARING VIDEOCONFERENCE
AND GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 4, 2022

On October 5, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Grossmont Union High School District. The Office of Administrative Hearings is referred to as OAH. On February 4, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. OAH received no written opposition from Grossmont.

On February 4, 2022, Administrative Law Judge Ted Mann, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Meagan Nunez, Attorney at Law, appeared on behalf of Student. Whitney Autrim, Attorney at Law, appeared on behalf of Grossmont. The PHC was recorded. The ALJ and parties addressed Student's motion to amend as the first and only order of business. Based upon discussion with the parties, the ALJ issues the following order:

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 before the due process hearing and Grossmont did 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 dates.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings