

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 2021100329

ORDER GRANTING STUDENT'S SECOND MOTION TO
AMEND COMPLAINT

FEBRUARY 23, 2022

On October 11, 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. On January 12, 2022, the Office of Administrative Hearings, referred to as OAH, granted Student's first motion to amend the complaint. On February 23, 2022, Student filed a second Motion to Amend the Due Process Hearing Request and a second amended complaint. On February 23, 2022, Grossmont filed a notice of non-opposition. On February 23, 2022, The parties also filed a joint request to move the time for the prehearing conference, called a PHC, of Friday, February 25, 2022 from 10:00AM to 1:00 PM.

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. OAH has also received written non-opposition to the amendment. Therefore, it 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. Further requests to amend Student's complaint, absent compelling circumstances, will be greatly disfavored. The parties' joint request to change the time of the Friday, February 25, 2022, PHC is rendered moot by this order.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings