

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

AND

ETIWANDA SCHOOL DISTRICT.

OAH CASE NUMBER 2022010714

OAH CASE NUMBER 2022010599

ORDER GRANTING MOTION TO AMEND DUE PROCESS
COMPLAINT

FEBRUARY 4, 2022

On January 24, 2022, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Etiwanda School District. On January 25, 2022, Student filed an amended complaint but did not file a Motion to Amend the complaint until January 31, 2022. Etiwanda did not respond to Student's motion. The due process hearing in the consolidated cases is set to begin on March 15, 2022.

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 the Motion to Amend more than five days before the due process hearing and Etiwanda did not object. Therefore, the motion is timely and is granted. The filing date for the amended complaint is the date of this Order. All applicable timelines in the consolidated cases are reset as of the date of this Order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings