

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT AND FORTUNA UNIFIED
SCHOOL DISTRICT.

OAH CASE NUMBER 2023090141

ORDER GRANTING MOTION TO FILE SECOND AMENDED
COMPLAINT

JANUARY 5, 2024

On September 1, 2023, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Rialto Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 4, 2023, OAH granted Student's motion to file an amended complaint adding Fortuna Unified School District as a respondent. Student filed a second motion to amend and a second amended due process complaint on January 2, 2024. Rialto and Fortuna filed non-oppositions on January 4, 2024

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 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. All applicable timelines shall be reset as of the date of this order. The parties should not expect additional continuances to be granted absent extra ordinary good cause. 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