

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

TUSTIN UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024020077

OAH CASE NUMBER 2024040985

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 14, 2024

On February 2, 2024, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2024020077, Student's Case, naming Tustin Unified School District.

On April 24, 2024, Tustin Unified School District filed a Request for Due Process Hearing in OAH case number 2024040985, District's Case, naming Student.

On April 24, 2024, District filed a Motion to Consolidate the cases. On May 7, 2024, OAH granted the Motion to Consolidate, and designated OAH case number 2024020077 as the primary case in the consolidated matter.

On June 10, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint for OAH case number 2024020077. The due process hearing was scheduled for July 9, 10, and 11, 2024.

As of June 13, 2024, no opposition was received from Tustin Unified School District.

MOTION TO AMEND

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. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order, the previously determined primary case designation remains, and the decision timeline governed by amended complaint in OAH case number 2024020077.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Jun 14, 2024 14:08 PDT)

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings