

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENTS ON BEHALF OF STUDENT,

and

GARDEN GROVE UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2024040485
OAH CASE NUMBER 2024080984

ORDER GRANTING MOTION TO AMEND COMPLAINT
AND DENYING REQUEST TO MAINTAIN CURRENT
DUE PROCESS HEARING DATES

SEPTEMBER 10, 2024

On April 8, 2024, Garden Grove Unified School District, called Garden Grove, filed with the Office of Administrative Hearings, called OAH, a request for due process hearing in OAH case number 2024040258, Garden Grove's First Case, naming Parents on behalf Student. On April 12, 2024, Parents on behalf of Student filed with OAH a request for due process hearing in OAH case number 2024040485, Student's Case, naming Garden Grove. On April 16, 2024, OAH granted Student's

motion to consolidate Student's Case with Garden Grove's First Case. On August 23, 2024, Garden Grove dismissed its First Case.

On August 26, 2024, Garden Grove filed a new request for due process hearing in OAH case number 2024080984, Garden Grove's Second Case, naming Parents on behalf of Student. On September 5, 2024, Garden Grove filed a motion to consolidate its Second Case with Student's Case. On September 6, 2024, OAH granted the motion to consolidate, and designated Student's Case, OAH case number 2024040485, as the primary case in the consolidated matter. The due process hearing is scheduled for October 8 through 10, 2024.

On September 5, 2024, Student filed a motion to amend the due process hearing request and an amended complaint in OAH case number 2024040485. Student's motion to amend included a request to maintain the due process hearing dates scheduled in Student's Case.

Garden Grove filed a statement of non-opposition to Student's motion to amend on September 9, 2024. Garden Grove also requested that the consolidated due process hearing begin on October 8, 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 and for holding a resolution session. (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. Student's request to maintain the October 8 through 10, 2024 due process hearing dates is denied because this does not allow sufficient time for the mandatory 30-day resolution period. (20 U.S.C. § 1415(f)(1)(B).) 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.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings