

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2024080782

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 3, 2024

On August 21, 2024, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Downey Unified School District as respondent. On August 28, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. OAH received no opposition from Downey to the request to file an amended complaint.

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); (34 C.F.R. § 300.508 (d)(4); Ed. Code, § 56502, subd. (e).)

In this case, the motion to amend was filed sufficiently in advance of the hearing for the Administrative Law Judge to rule at least five days prior to the due process hearing. Therefore, it is timely. The motion is unopposed and is granted.

ORDER

1. Student's motion to amend the complaint is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All currently scheduled dates are vacated.
4. All applicable timelines shall be reset as of the date of this order.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings