

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024050788

ORDER GRANTING MOTION TO AMEND COMPLAINT
AND NOTICE OF NO ACTION ON REQUEST FOR
MEDIATION AND CONTINUANCE

SEPTEMBER 11, 2024

On May 21, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Simi Valley Unified School District. The Office of Administrative Hearings is referred to as OAH. On June 4, 2024, OAH granted the parties' joint request for mediation and continuance setting hearing on September 24, 25, and 26, 2024. On September 9, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. A sworn declaration, attached to the motion to amend, established Simi Valley's consent to the motion.

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 Simi Valley consents to the motion. 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. OAH will issue a scheduling order with the new dates.

Embedded in the sworn declaration attached to the motion to amend was a joint request for mediation and continuance of hearing. OAH acts on one motion at a time. Therefore, no action is taken regarding the parties' joint request for mediation and continuance. Should the parties wish to request a mediation and continuance, a separate request must be filed with OAH.

IT IS SO ORDERED.

Rita Defilippis

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Administrative Law Judge

Office of Administrative Hearings