

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2024060799

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 3, 2024

On June 24, 2024, Parent on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Chula Vista Elementary School District, called Chula Vista. The Office of Administrative Hearings is referred to as OAH. On September 30, 2024, Student filed a motion to amend the due process hearing request and an amended complaint. No opposition was received from Chula Vista.

On July 15, 2024, OAH granted the parties' joint request to schedule a mediation and continue the due process hearing. OAH set the prehearing conference for October 4, 2024, and the due process hearing for October 15, through 17, 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. 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.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings