

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

FULLERTON SCHOOL DISTRICT,
OAH CASE NUMBER 2024090644
OAH CASE NUMBER 2024100304

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 28, 2024

On September 17, 2024, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2024090644, Student's Case, naming Fullerton School District. The Request for Due Process Hearing is called a complaint.

On October 8, 2024, Fullerton School District filed a Complaint in OAH case number 2024100304, Fullerton School District's Case, naming Student. Also on October 8, 2024, Fullerton School District filed a Motion to Consolidate the cases. On October 17, 2024, OAH granted the Motion to Consolidate, and designated OAH case number

2024090644 as the primary case in the consolidated matter. The due process hearing for the consolidated matters is scheduled to commence on November 5, 2024.

On October 23, 2024, Student filed a Motion to Amend the Complaint and a proposed amended complaint in OAH case number 2024090644. The motion seeks to add four new claims to the 2022-2023 school year, modify the claim regarding the March 28, 2024, individualized education program, and update Student's proposed resolutions. Fullerton School District filed a Non-Opposition to Student's 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. Therefore, it is timely and is granted.

The proposed amended complaint shall be deemed filed on the date of this order, the previously determined primary case designation remains, and the decision timeline is governed by the amended complaint in OAH case number 2024090644. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Oct 28, 2024 12:01 PDT)

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings