BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021010505

ORDER GRANTING MOTION TO AMEND COMPLAINT

APRIL 7, 2021

On January 15, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Long Beach Unified School District. The Office of Administrative Hearings is referred to as OAH. On April 7, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. On April 7, 2021, Long Beach Unified filed a Notice of 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, and OAH has received written consent to the amendment. 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. As OAH granted the parties' continuance request on February 16, 2021, so the parties could participate in mediation, which occurred on March 26, 2021, any subsequent continuance request shall establish good cause by way of declaration.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings