BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BALDWIN PARK UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017121021 ORDER GRANTING MOTION TO AMEND COMPLAINT

On December 26, 2017, Student filed a due process hearing request with the Office of Administrative Hearings, naming Baldwin Park Unified School District. On April 30, 2018, Student filed a motion to amend the due process hearing request (amended complaint). District did not oppose. The hearing is scheduled to begin on May 22, 2018.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to 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 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 this matter was filed on December 27, 2018, this matter will proceed to hearing on the dates set in the accompanying scheduling order, as this matter takes precedence over later filed cases unless good cause is established by way of declaration from the parties and their counsel.

IT IS SO ORDERED.

DATE: May 8, 2018

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Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings