BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ALAMITOS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021020128

and

LOS ALAMITOS UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021030289

ORDER GRANTING MOTION TO AMEND COMPLAINT

APRIL 16, 2021

On February 3, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Los Alamitos Unified School District as respondent. On March 8, 2021, Los Alamitos filed a Due Process Hearing Request, naming Student as respondent. The cases were consolidated on March 12, 2021. On April 15, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. That same day, Los Alamitos filed a notice of non-opposition 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. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order and the timelines restarted. All previously scheduled dates in this matter are vacated. OAH will issue a new scheduling order.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings