BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2020030548

ORDER GRANTING MOTION TO AMEND COMPLAINT AND DENYING MOTION TO REPHRASE ISSUE 1A IN STUDENT'S FIRST AMENDED COMPLAINT AS MOOT.

AUGUST 6, 2020

On March 13, 2020, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, known as OAH, naming Grossmont Union High School District, called Grossmont. On March 24, 2020, OAH granted Student's motion to amend the complaint. On August 3, 2020, Student filed a motion to amend Student's first amended complaint and concurrently filed a second amended complaint. Grossmont opposed the motion to amend the complaint on August 6, 2020. The due process hearing is set to begin on August 11, 2020.

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).)

Student timely filed the motion to amend. In Student's second amended complaint, she withdrew issues related to the 2019-2020 school year, reorganized her 2018-2019 school year issues, added additional factual support, and included one additional legal issue to be decided. Because the motion was timely and a new legal issue was added, Student's motion to amend is granted. OAH will issue a scheduling order with the new dates.

Student's motion to rephrase Issue 1A in her first amended complaint is denied a moot.

IT IS SO ORDERED.

DocuSigned by:
Cynthia Fritz
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Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings