BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CAPISTRANO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024110845

OAH CASE NUMBER 2024120812

ORDER GRANTING MOTION TO AMEND DUE PROCESS HEARING REQUEST

MAY 29, 2025

On November 25, 2024, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2024110845, naming Capistrano Unified School District, referred to as Capistrano.

On December 23, 2024, Capistrano filed a Request for Due Process Hearing in OAH case number 2024120812, naming Student.

On December 30, 2024, Capistrano filed a Motion to Consolidate the two cases. OAH granted Capistrano's Motion to Consolidate on December 30, 2024, and

designated Student's case number 2024110845 as the primary case in the consolidated matter.

On May 27, 2025, Student filed a Motion to Amend the Due Process Hearing Request, and a proposed amended complaint, for case number 2024110845. On May 28, 2025, Capistrano filed a non-opposition to Student's Motion to Amend.

MOTION TO AMEND

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, the previously determined primary case designation remains, and the decision timeline governed by amended complaint in OAH case number 2024110845.

The previous prehearing conference and due process hearing dates are vacated. OAH will issue a scheduling order with new dates. As Student filed the original complaint in this matter more than six months ago, OAH will strongly disfavor any further continuances.

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings