BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024120686

ORDER GRANTING MOTION TO AMEND COMPLAINT

MARCH 12, 2025

On December 17, 2024, Student filed with the Office of Administrative Hearings, called OAH, a request for due process hearing, naming San Diego Unified School District. The request for due process hearing is referred to as a complaint. San Diego Unified School District is called San Diego.

On January 17, 2025, OAH issued a scheduling order for the due process hearing to commence on March 25, 2025. On March 10, 2025, Student filed a motion to amend the complaint and a proposed amended complaint. Student's proposed amended complaint alleges additional facts regarding a new legal issue, and removes the issue related to the late triennial assessment.

On March 11, 2025, San Diego filed a notice of non-opposition to Student's 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. 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.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Mar 12, 2025 14:22 PDT)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings