BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT .

OAH CASE NUMBER 2022030378

ORDER GRANTING MOTION TO AMEND COMPLAINT

MAY 5, 2022

On March 11, 2022, Parents on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming San Dieguito Union High School District. The Office of Administrative Hearings is referred to as OAH. The complaint was amended on March 24, 2022 and April 7, 2022. On April 26, 2022, Student filed a motion to amend the complaint for a third time to add two recently discovered claims. No opposition was received from San Dieguito.

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. Student seeks to add an Issue 7, alleging that Student's language and speech therapy was not provided by qualified persons. He also seeks to add Issue 8, that San Dieguito failed to provide prior written notice of its refusal to implement Parents' December 10, 2021 request for additional specialized academic instruction, delayed giving progress reports to Parents, and changed Student's program without parental consent. The motion to amend 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. Because there will be new hearing dates, Student will need to serve new Subpoena Duces Tecums with the new hearing dates.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings