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 2024100129

ORDER GRANTING MOTION TO AMEND COMPLAINT

DECEMBER 23, 2024

On October 3, 2024, Parent on behalf of Student filed a request for a due process hearing with the Office of Administrative Hearings, called OAH, naming San Diego Unified School District, called San Diego. On November 5, 2024, OAH granted the parties' first joint request for a mediation and continuance of the prehearing conference and due process hearing. The due process hearing is scheduled to begin on January 28, 2025.

On December 12, 2024, Student filed a motion to amend the due process hearing request and an amended complaint. On December 16, 2024, San Diego filed a response to the amended complaint prior to OAH ruling on 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.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings