BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020110479

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 22, 2021

On November 13, 2020, filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Marcos Unified School District, called San Marcos. On January 22, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. San Marcos does not oppose the motion.

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).)

Here, the motion to amend was filed more than five days prior to the due process hearing. Further, San Marcos consented to the amendment. 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.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings