

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021060539

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 3, 2021

On June 7, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Diego Unified School District. The Office of Administrative Hearings is referred to as OAH. On June 20, 2021, OAH granted Student leave to file an amended complaint. This matter is scheduled for hearing beginning September 14, 2021. On August 31, 2021, Student filed another Motion to Amend the Due Process Hearing Request and a proposed second amended complaint. On September 3, 2021, San Diego filed a notice of non-opposition.

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).)

Student seeks to amend the first amended complaint to include additional issues, facts and remedies not raised in the earlier complaints. Student filed the motion to amend more than five days prior to the due process hearing. The motion is timely and unopposed, and is granted.

The second amended complaint shall be deemed filed on the date of this order. All pending dates are vacated, and 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.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings