

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021070879

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 6, 2022

On July 27, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Marcos Unified School District. The Office of Administrative Hearings is referred to as OAH. On January 5, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. San Marcos filed a notice of non-opposition on the same day.

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. OAH has received a notice of non-opposition 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. As OAH has granted two prior continuances, no further continuances shall be granted as this matter takes precedent over later filed matters.

IT IS SO ORDERED.

*Chris Butchko*

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings