

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

LINCOLN UNIFIED SCHOOL DISTRICT AND SAN JOAQUIN
COUNTY OFFICE OF EDUCATION.
OAH CASE NUMBER 2021110335

ORDER GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 16, 2022

On November 10, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Lincoln Unified School District and San Joaquin County Office of Education. The Office of Administrative Hearings is referred to as OAH. On December 27, 2021, OAH continued the hearing to March 15 through 17, 2022.

On February 8, 2022, Student filed a Motion to Amend the Due Process Hearing Request and a proposed amended complaint. No opposition was received from either Respondent.

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 is timely because it was filed more than five days before the scheduled due process hearing. By the motion, Student seeks to add new claims pertaining to the same periods of time at issue in the original complaint. There is no opposition to the motion. Accordingly, the motion 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.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings