

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2021120755

ORDER GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 1, 2022

On December 22, 2022, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming San Diego County Office of Education. The Office of Administrative Hearings is referred to as OAH. On January 25, 2022, OAH granted the parties' joint request to continue the matter. On January 25, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from San Diego County Office of Education.

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. The mediation scheduled for March 7, 2022, remains on calendar unless cancelled by a party, and the timeline governing this matter shall not change. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order with the new dates. Should the parties wish to maintain the previously requested dates they are to file a new request to continue with good cause as to why the parties are unavailable on the newly scheduled dates.

IT IS SO ORDERED.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings