

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 2024030547

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 26, 2024

On March 15, 2024, Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming San Diego Unified School District, called San Diego. The Office of Administrative Hearings is referred to as OAH. On April 18, 2024, OAH granted a hearing continuance. On June 25, 2024, Student filed a motion to amend the due process hearing request and an amended complaint. The motion to amend was supported with a declaration under the penalty of perjury from Student's attorney, Cecilia Rutherford. Attorney Rutherford represented that while preparing for hearing, she realized additional issues impacting Student's education during the 2023-2024 school year, the only school year at issue in the case, required an amendment to the complaint. On June 25, 2024, San Diego filed a statement of non-

opposition to the motion to amend. The due process hearing is set to begin on July 2, 2024.

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 accompanied by a declaration that explained the reason why the amended complaint was required and not filed three business days before the prehearing conference. Further, the motion to amend was filed more than five days prior to the due process hearing, and is timely. Therefore, the motion to amend is granted. The amended complaint shall be deemed filed on the date of this order. No further continuances of this case will be considered without good cause supported by a declaration under the penalty of perjury. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with new hearing dates.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong

Administrative Law Judge

Office of Administrative Hearings