

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENTS ON BEHALF OF STUDENT,

and

SAN DIEGO UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2024090140
OAH CASE NUMBER 2024060965

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 1, 2024

On June 27, 2024, San Diego Unified School District filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student. On September 4, 2024, Student filed a complaint, naming San Diego. On September 12, 2024, OAH granted Student's motion to consolidate Student's case with San Diego's case, making Student's case the primary case. OAH continued the consolidated cases, setting a prehearing conference for October 7, 2024, and due process hearing for October 15, 16, and 17, 2024.

On September 25, 2024, San Diego filed a motion to amend its complaint and an amended complaint. On September 27, 2024, Student 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).)

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. San Diego requests the hearing go forward on the dates currently set. San Diego's request must be denied as the law requires resetting applicable timelines upon the filing of an amended complaint. (20 U.S.C. § 1415(c)(2)(E)(ii).) 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.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings