

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2024070047

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 25, 2024

On June 28, 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. The Office of Administrative Hearings is called OAH. The hearing in this matter is scheduled to begin on November 5, 2024.

On October 17, 2024, Student filed a motion to amend the complaint and an amended complaint. San Diego Unified filed a non-opposition to Student's motion on October 23, 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 amended complaint adds an additional claim not included in the original complaint. The motion to amend was filed more than five days prior to the due process hearing and is unopposed. 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.

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings