BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DEL MAR UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025050384

# ORDER GRANTING MOTION TO AMEND COMPLAINT AND DENYING DISTRICT'S MOTION TO DISMISS AS MOOT

JUNE 30, 2025

On May 9, 2025, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing, naming Del Mar Union School District, alleging three claims. The Office of Administrative Hearings is called OAH.

On June 12, 2025, OAH continued the hearing to August 19 through 21, 2025, because of the unavailability of District's attorneys.

On June 23, 2025, District filed a motion to dismiss on the grounds that two of Student's claims were resolved and that OAH lacks jurisdiction over the only remaining claim.

On June 26, 2025, Student filed a Motion to Amend the Due Process Hearing Request which included a proposed amended complaint and a response to District's motion to dismiss. Student's amended complaint asserts 22 claims against District along with proposed resolutions. Student also argues, among other things, that if the motion to amended is granted, District's motion to dismiss is moot.

On June 27, 2025, Del Mar Union filed a notice of non-opposition to the motion to amend, but requests that the current hearings dates in August 2025 remain as scheduled.

## MOTION TO AMEND

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 timely filed more than five days prior to the due process hearing and District does not oppose the motion. The motion to amend is granted. The amended complaint shall be deemed filed on the date of this order. OAH will issue a scheduling order with the new dates.

District's request to maintain the currently scheduled dates as part of this Order is denied. Once the scheduling order is issued, a party/parties may file a motion to continue the hearing dates based on a showing of good cause.

Given that the motion to amend has been granted, District's motion to dismiss is denied because it is moot. No separate order shall issue.

IT IS SO ORDERED.

*Laurie Gorsline*

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings