BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017081305
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2017090642 ORDER GRANTING MOTION TO AMEND COMPLAINT

On August 31, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming the San Diego Unified School District. On September 19, 2017, District filed a complaint naming Student. District concurrently filed a motion to consolidate its case with Student's case, which Student did not oppose. OAH granted District's motion to consolidate on September 28, 2017.

On October 11, 2017, Student filed a motion to amend her complaint. District filed a notice of non-opposition to Student's motion to amend on October 16, 2017.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to 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 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. Student's case shall be the primary matter in this consolidated action. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: October 17, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings