BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. WESTMINSTER SCHOOL DISTRICT,	OAH Case No. 2014110630
WESTMINSTER SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014080827 ORDER GRANTING MOTION TO AMEND COMPLAINT

On August 25, 2014, the Westminster School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014080827 (First Case), naming Parent on behalf of Student. On November 14, 2014, Student filed with OAH a Request for Due Process Hearing in OAH case number 2014110630 (Second Case), naming District. On November 24, 2014, OAH granted Student's request to consolidate the First Case with the Second Case.

On December 19, 2014, District filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from Student.

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).)[1] The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

[1] All statutory citations are to title 20 United States Code unless otherwise indicated.

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. OAH will issue a scheduling order with the new dates.[2]

IT IS SO ORDERED.

DATE: December 23, 2014

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

[2] On December 19, 2014, District filed a motion to continue the presently set hearing date of January 13, 2015, and Student filed a response. District's motion to continue is moot with the granting of the motion to amend. Parties may submit a new continuance request after reviewing the new dates in the scheduling order.