BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018030762
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018041298 ORDER GRANTING MOTION TO AMEND COMPLAINT

On March 16, 2018, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming San Diego Unified School District. On April 27, 2018, San Diego Unified School District filed a Request for Due Process Hearing with OAH, naming Student. On May 4, 2018, OAH consolidated the cases. On May 9, 2018, Student filed a Motion to Amend the Request for Due Process Hearing (amended complaint). On May 9, 2018, District filed a statement of non-opposition to Student's Motion to Amend.

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 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).)

Student's amended complaint seeks to include issues that arose after the filing of the original complaint. Student's Motion to Amend is timely and District does not oppose the amended complaint. Accordingly, Student's Motion to Amend is granted.

The amended complaint shall be deemed filed on the date of this Order. The prehearing conference scheduled on May 14, 2018, and the due process hearing scheduled on

May 22-24, 2018, are vacated. All applicable timelines shall be reset as of the date of this Order. OAH will issue a scheduling order with new hearing dates.

IT IS SO ORDERED.

DATE: May 14, 2018

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings