BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: STUDENT, v. SANTA CLARA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015030117
SANTA CLARA UNIFIED SCHOOL DISTRICT, v. STUDENT.	OAH Case No. 2014120222 ORDER GRANTING MOTION TO AMEND OAH CASE NUMBER 2015030117

On December 4, 2014, the Santa Clara Unified School District filed a Request for Due Process Hearing (complaint) against Student. The Office of Administrative Hearings (OAH) designated Santa Clara's complaint as Case Number 2014120222 (First Case).

On February 25, 2015, Student, through her Parents,[1] filed a Request for Due Process Hearing against Santa Clara. OAH designated Student's complaint as Case Number 2015030117 (Second Case).

On March 6, 2015, OAH consolidated the two cases, and designated the Second Case as the primary case for the purpose of determining the timeline for issuance of the decision in the consolidated cases.

On April 8, 2015, Student filed a motion to amend the Second Case, and submitted an amended complaint with the motion. On April 10, 2015, Santa Clara filed a notice of non-opposition to Student's request to amend the Second Case.

[1] Student is nineteen years old, and has assigned her educational right to her Parents.

APPLICABLE LAW AND DISCUSSION

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).)

Here, Student seeks to amend her complaint in order to include new issues, which have developed since the filing of the Second Case. Santa Clara does not oppose the motion to amend. Student's motion to amend her complaint is timely. Accordingly, Student's motion amend the Second Case is granted.

ORDER

1. Student's motion to amend the Second Case is granted. All dates currently set are vacated.

2. The amended complaint shall be deemed filed on the date of this order, and all applicable timelines for the consolidated cases are reset as of the date of this order, including the timeline for holding a resolution session.

3. OAH will issue a scheduling order with new dates for the consolidated matters.

IT IS SO ORDERED.

DATE: April 15, 2015

/S/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings