BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

MCCABE UNION ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2019040734

and

MCCABE UNION ELEMENTARY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019050092

ORDER GRANTING MOTION TO AMEND STUDENT'S COMPLAINT

On April 17, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, referred to as OAH, naming McCabe Union Elementary School District, in OAH Case Number 2019040734. On May 2, 2019, McCabe filed a Due Process Hearing Request naming Student, in OAH

Case Number 2019050092. OAH issued an order consolidating the cases on May 8, 2019, with Student's case designated as primary. On August 16, 2019, Student filed a Motion to Amend Student's Due Process Hearing Request and an amended complaint. No opposition was received from McCabe.

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 filed more than five days prior to the due process hearing. Therefore, it 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.

IT IS SO ORDERED.

DATED: August 22, 2019

DocuSigned by:
Rita Defilippis
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Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings