BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BALDWIN PARK UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016060925
BALDWIN PARK UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050319 ORDER GRANTING MOTION TO AMEND COMPLAINT

On May 6, 2016, District filed a Due Process Hearing Request (District's complaint) with the Office of Administrative Hearings, naming Student. On June 20, 2016, Student filed a Due Process Hearing Request (Student's complaint), naming District. On August 2, 2016, the matters were consolidated. On August 5, 2016, Student filed a Motion to Amend the Due Process Hearing Request (Student's amended complaint). District filed a non-opposition to the motion on August 10, 2016, but requested that there be no change to the timeline for the hearing.

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. Student's amended complaint shall be deemed filed on the date of this order. Despite District's request to maintain all dates, as referenced above, the amended complaint restarts the applicable timelines. Therefore, 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.

DATE: August 11, 2016

DocuSigned by:
Marc Levine
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MARC LEVINE
Administrative Law Judge
Office of Administrative Hearings