BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016070290
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016041030 ORDER GRANTING STUDENT'S MOTION TO AMEND COMPLAINT

On April 25, 2016, Capistrano Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing naming Student in OAH case number 2016041030. On July 11, 2016, Student filed a Due Process Hearing Request naming Capistrano in OAH case number 2016070290. On July 14, 2016, OAH granted Student's motion to consolidate the two cases. The consolidated mater is currently set for hearing beginning September 29, 2016.

On August 18, 2016, Student filed a Motion to Amend the Due Process Hearing Request along with a proposed amended complaint. On August 19, 2016, Capistrano filed a non-opposition to Student's motion to amend.[1]

APPLICABLE LAW

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.

[1] Capistrano's non-opposition was received after business hours on August 18, 2016. It is deemed filed as of the next business day.

§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).)

DISCUSSION

Student seeks to amend his complaint to include an additional allegation that Capistrano denied him a free appropriate public education by failing to conduct child find during the prior two years. The motion to amend is timely, unopposed, and is granted.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.

2. All current dates are vacated. 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 22, 2016

DocuSigned by:
Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings