BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

BAKERSFIELD CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020010042

and

PARENT ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL DISTRICT,

OAH CASE NUMBER 2019120777

ORDER GRANTING MOTION TO AMEND COMPLAINT

APRIL 6, 2020

On December 18, 2019, Parents on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Bakersfield City School District. The Office of Administrative Hearings is referred to as OAH. Bakersfield filed a complaint against Student on December 31, 2019, and moved to consolidate with Student's action on that same day. OAH consolidated the two matters on January 8, 2020. Student filed motions to amend his complaint on February 3, 2020, and on February 11, 2020, and was granted leave to amend by OAH both times. Bakersfield moved to amend its complaint on February 10, 2020, and OAH granted leave to amend on February 11 2020.

On March 18, 2010, Bakersfield again filed a Motion to Amend its Due Process Hearing Request and an amended complaint. Student filed in opposition on March 20, 2020. On April 1, 2020, OAH issued an order continuing all non-expedited actions scheduled through April 17, 2020, due to the Covid-19 pandemic, and advising the parties that the order continuing all actions may be further extended.

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. Student's opposition argues that Bakersfield should file a separate action, rather than amend its complaint to add an issue that arose from a later individualized education plan team meeting than the one at issue in the other actions. Allowing the complaint to be amended furthers judicial

economy by allowing a substantially similar set of issues, involving a number of the same witnesses, to be heard in one action. Given that both parties will have amended their complaints twice, however, any further requests to amend will need to demonstrate extraordinary good cause.

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. Bakersfield's case, OAH Case Number 2020010042, is now the primary case.

IT IS SO ORDERED.

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings