BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. MCKINLEYVILLE UNION SCHOOL DISTRICT, et al.	OAH CASE NO. 2013080004
HUMBOLDT COUNTY OFFICE OF EDUCATION, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013051098 ORDER GRANTING MOTION TO AMEND COMPLAINT

On July 30, 2013, Student filed a due process hearing request (complaint), naming the McKinleyville Union School District and the Humboldt County Office of Education. On August 12, 2013, the Office of Administrative Hearings (OAH) granted Student's motion to consolidate that case with OAH case number 2013051098, filed by the Humboldt County Office of Education. Student's case (number 2013080004) was designated as the lead case. The hearing in the consolidated cases is currently set for October 28 through 31, 2013.

On August 23, 2013, Student filed a motion to amend Student's due process hearing request (amended complaint). In the moving papers, Student explains that amendment is necessary at this time because a new issue was discovered regarding Student's records after the initial complaint was filed. In addition, Student wishes to add a new party to the case – the Northern Humboldt Union High School District. Student contends that this new respondent is necessary because Student seeks prospective relief as a remedy in Student's case and the high school district conducted Student's latest individualized education program (IEP) team meeting. No opposition or other response to Student's motion has been received by OAH.

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. 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 new scheduling order for the consolidated cases.

IT IS SO ORDERED.

Dated: August 29, 2013

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings