BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BENICIA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017050972
PARENT ON BEHALF OF STUDENT, v. BENICIA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017040249 ORDER GRANTING MOTION TO AMEND COMPLAINT

On April 4, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Benicia. On May 22, 2017, Benicia filed a complaint naming Student, and a motion to consolidate the two matters. On May 25, 2017, OAH consolidated the matters and set June 16, 2017, as the first day of hearing.

On June 9, 2017, Student filed a Motion to Amend the Due Process Hearing Request, together with a proposed amended complaint. On June 9, 2017, Benicia informed OAH that it would not be filing a response to the motion.

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 dates now on calendar are vacated, and 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: June 9, 2017

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings