

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2014030842
v.	
SPENCER VALLEY UNIFIED SCHOOL DISTRICT ,	
SPENCER VALLEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014030046
v.	
PARENT(S) ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO AMEND COMPLAINT

On March 4, 2014, the Spencer Valley Unified School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named Student. OAH assigned this District matter case number 2014030046. On March 24, 2014, Student, through counsel, filed with OAH a Due Process Complaint that named the District. OAH assigned this Student matter case number 2014030842. On March 26, 2014, OAH issued an order that consolidated the District and Student cases. Currently pending in the consolidated matters is a prehearing conference set for May 30, 2014, and a due process hearing set for June 4 and 5, 2014.

On May 16, 2014, the District filed with OAH a motion to amend its complaint in case number 2014030046. On May 22, 2014, Student filed with OAH a non-opposition to the motion to amend.

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 District's 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, in this instance according to the timelines applicable in District-filed special education due process proceedings, although OAH case number 2014030842 shall remain the primary case in these consolidated matters. OAH will issue a scheduling order with the new dates. The scheduling order shall specify that the prehearing conference in the matter is set for Monday, June 16, 2014, at 3:00 p.m., and the due process hearing is set to commence on Tuesday, June 24, 2014.

Also pending in this case is a Student motion to continue the currently scheduled hearing dates in these consolidated cases. Given the ruling on the District motion to amend, this motion to continue is now moot.

IT IS SO ORDERED.

DATE: May 27, 2014

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings