

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

SAUGUS UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014040522

PARENTS ON BEHALF OF STUDENT,

v.

SAUGUS UNION SCHOOL DISTRICT.

OAH CASE NO. 2014041213

ORDER GRANTING MOTION TO
AMEND DISTRICT'S COMPLAINT

On April 9, 2014, the Saugus Union School District (District) filed with the Office of Administrative Hearings a request for Due Process Hearing (complaint) naming Parents on behalf of Student (Student) as respondent in OAH Case Number 20140522. The complaint states a single issue: "Is the District's offer of FAPE as documented in the February 7, 2014 IEP appropriate?"

On April 28, 2014, Student filed with OAH a complaint naming the District as respondent in OAH Case Number 2014041213.¹ On May 1, 2014, OAH granted a motion to consolidate the two cases. Student's case was designated as the lead case.

On June 25, 2014, the District filed a Motion to Amend the Due Process Complaint. No opposition was received from Student. The District seeks to amend the complaint to change the issue to now read: "Is the District's offer of FAPE as documented in the February 7, 2014 IEP, as supplemented by the IEP on June 12, 2014, appropriate?"

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 The Student filed complaint was brought by Student's mother only.

§1415(c)(2)(E)(i).)² 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 in OAH Case Number 2014040522 shall be deemed filed on the date of this order.

ORDER

1. The motion to amend is granted. The complaint in OAH Case Number 2014040522, District's case, shall be deemed filed on the date of this order.
2. All current dates are vacated. OAH shall issue a new scheduling order based upon the amended complaint in District's case.
3. OAH Case Number 2014040522, District's case, shall now be the lead case for purposes of calculating the 45-day time line for the issuance of a written decision.

DATE: July 3, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

² All statutory citations are to title 20 United States Code unless otherwise indicated.