

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014090973
v.	
YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT,	
YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014090352
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO AMEND COMPLAINT

District filed its due process complaint on September 8, 2014. Student filed its due process complaint on September 19, 2014. OAH issued an order consolidating the two cases on September 29, 2014.

On November 7, 2014, Student filed a motion to amend Student's complaint in the consolidated matter. The document also included a witness list, an exhibit list and requested an order compelling District to produce school records. On November 10, 2014, District filed a "Response to Student's Motion to Amend and to Compel Discovery." District's document is interpreted to be a statement of non-opposition to Student's motion to amend and an opposition to the prehearing matters addressed in Student's pleading. For the reasons set forth below, Student's motion to amend the complaint is granted and all dates will be vacated and reset. Witnesses, exhibits and all other prehearing matters will be addressed at the reset prehearing conference.

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).)

Based upon District's written response, Student's motion to amend 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 scheduling order with the new dates.

IT IS SO ORDERED.

DATE: November 10, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings