BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BRAWLEY ELEMENTARY SCHOOL DISTRICT AND IMPERIAL COUNTY OFFICE OF EDUCATION	OAH Case No. 2018070617 ORDER GRANTING MOTION TO AMEND COMPLAINT; DEEMING NOTICE OF INSUFFICIENCY MOOT AND DEEMING MOTION TO JOIN PARTY MOOT.

On July 12, 2018, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Brawley Elementary School District as respondent. On July 24, 2018, Student filed a Motion to Amend the Due Process Hearing Request together with a proposed amended complaint. No opposition to the motion to amend was received from Brawley.

On July 27, 2018, Brawley filed a notice of insufficiency coupled with a motion to join the Imperial County Office of Education as a respondent in this matter. No opposition was received from Student to either motion.

Motion to Amend Complaint

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.

Notice of Insufficiency and Motion to Join a Party

Granting the motion to amend the complaint renders Brawley's Notice of Insufficiency moot. The complaint to which the notice of insufficiency pertains has now been supplanted by Student's first amended complaint.

The order granting Student's motion to amend also renders Brawley's Notice of Motion to Join a Party moot. Student's first amended complaint adds the Imperial County

Office of Education as a party. Brawley's motion for the same relief is moot. Brawley is advised, for future reference, that multiple motions may not be filed in a single document.

ORDER

1. Student's motion to amend is GRANTED. The amended complaint is deemed filed as of the date of this order. All previously scheduled dates in this matter are hereby VACATED. OAH will issue a scheduling order with the new dates.

2. As a result of the granting of the motion to amend, Brawley's Notice of Insufficiency is deemed moot.

3. As a result of the granting of the motion to amend, Brawley's Motion to Join Imperial County Office of Education as a party is deemed moot.

IT IS SO ORDERED.

DATE: July 30, 2018

DocuSigned by:
Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings