BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. POWAY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060763
POWAY UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2018080048 ORDER GRANTING MOTION TO AMEND COMPLAINT

On June 18, 2018, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Poway Unified School District. On August 1, 2018, Poway filed a complaint with OAH naming Student. On August 2, 2018, OAH consolidated the two cases and designated Student's case as the primary matter. On November 29, 2018, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). Poway filed a statement of non-opposition on November 29, 2018.

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 applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. As Student's case was filed in June 2018, and OAH has previously granted a continuance, this matter shall take precedent over any later filed matter, and any continuance request must establish good cause by way of declaration.

IT IS SO ORDERED.

DATE: November 30, 2018

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Kara Hatfield
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KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings