BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SOLEDAD UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016070938
SOLEDAD UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016070115 ORDER GRANTING MOTION TO AMEND COMPLAINT

On June 30, 2016, Soledad Unified School District filed a Due Process Hearing Request (District's Case) with the Office of Administrative Hearings, naming Student. On July 15, 2016, Student filed a Due Process Hearing Request (Student's Case) naming Soledad. On September 9, 2016, OAH granted the parties' request to consolidate both matters and identified Student's Case as the lead matter. On October 4, 2016, Soledad filed a Motion to Amend District's Case. The consolidated matter is scheduled for hearing beginning October 18, 2016. Student filed a non-opposition to Soledad's Motion to Amend on October 17, 2016.[1]

APPLICABLE LAW

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).)

[1] Both parties are reminded that they are required to file a proof of service with each document filed with OAH indicating the manner in which they have served a copy of the document on the opposing party and when.

DISCUSSION

Soledad's motion to amend its complaint is unopposed and is granted. Soledad is advised that its sole issue for hearing is that as identified in its amended complaint, namely whether its September 26, 2016 individualized education program offers Student a free appropriate public education.[2] If Soledad wishes to include its original issue, it will need to file a second amended complaint which includes each issue Soledad intends to pursue at hearing.

ORDER

1. Soledad's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.

2. 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: October 17, 2016

DocuSigned by:
Theresa Ravandi
180B9BDB98E5424...

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

[2] As specified in the October 3, 2016 Order Following Prehearing Conference, Student's issue remains as follows, "Did Soledad deny Student a FAPE by failing to offer Student placement in general education classes with the support of a one-to-one aide, throughout the school day, as part of the May 24, 2016 IEP?" Nothing in this Order prevents Student from filing an amended complaint.