BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BENICIA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017050972
PARENT ON BEHALF OF STUDENT, v. BENICIA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017040249 ORDER GRANTING MOTION TO AMEND COMPLAINT

On April 4, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming District. On May 22, 2017, District a filed a complaint naming Student, and a motion to consolidate Student's and District's cases.

On May 25, 2017, OAH consolidated the cases and ordered that timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in District's case. On June 9, 2017, OAH granted Student's motion to amend the complaint, vacated all dates and reset all timelines, and scheduled the hearing for August 3, 2017.

On July 20, 2017, Student filed a second motion to amend the complaint. The second amended complaint adds a new claim related to the May 2017 individualized education program team meeting, which is also interrelated to the issue in District's complaint. No opposition was received from District.

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. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case No. 2017040249 (Student's Case). Student's case shall be the lead case in the consolidated matters. OAH will issue a scheduling order with the new dates.

DATE: July 27, 2017

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LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings