BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

LOMPOC UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2019040859

and

LOMPOC UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019070446

ORDER GRANTING MOTION TO AMEND STUDENT'S COMPLAINT

On April 18, 2019, Parent on behalf of Student filed with the Office of Administrative Hearings, commonly referred to as OAH, a Request for Due Process Hearing in OAH case number 2019040859, Student's Case, naming Lompoc Unified School District. A Request for Due Process Hearing is also referred to as a complaint.

On July 9, 2019, Lompoc Unified filed a complaint in OAH case number 2019070446, Lompoc Unified's Case, naming Student.

On July 22, 2019, OAH consolidated Student's Case and Lompoc Unified's Case, designating Student's Case as primary and vacating the dates in Lompoc Unified's Case.

On July 31, 2019, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint in Student's Case. No opposition was received from Lompoc Unified.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 was filed more than five days prior to the due process hearing. Therefore, it 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. Student's Case, OAH case number 2019040859 remains the primary case in the consolidated matters.

The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the amended complaint in Student's Case, OAH case number 2019040859.

IT IS SO ORDERED.

DATED: August 6, 2019

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Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings