BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018030762
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018041298 ORDER GRANTING MOTION TO FILE SECOND AMENDED COMPLAINT

On March 16, 2018, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming San Diego Unified School District. On April 27, 2018, District filed a Request for Due Process Hearing with OAH, naming Student. On May 4, 2018, OAH consolidated the matters, designating Student's case as primary. On May 14, 2018, OAH granted Student's Motion to Amend the complaint to include issues that arose after the filing of the original complaint. On June 21, 2018, Student retained legal counsel; and on June 22, 2018, Student's attorney filed a Notice of Representation.

On June 25, 2018, Student's attorney filed a Motion to File a Second Amended Complaint to correct the issues and remedies based on facts not previously identified in the complaint. On June 27, 2018, District filed a non-opposition to Student's motion. However, District requested that the hearing dates remain as scheduled.

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 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).)

Student's Motion to File a Second Amended Complaint is timely and is granted. District does not oppose the filing of the second amended complaint. The second amended complaint shall be deemed filed on the date of this Order. District's request that the hearing

dates remain as scheduled is denied. 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: June 29, 2018

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings