

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2010120583

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT,

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT,

OAH CASE NO. 20110040835

v.

PARENT ON BEHALF OF STUDENT.

ORDER DENYING DISTRICT'S
MOTION TO CONSOLIDATE AND
GRANTING STUDENT'S MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT

On December 17, 2010, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2010120583 (First Case), naming the Norwalk-La Mirada Unified School District (District) as respondent. The complaint dealt with allegations that the District has failed to provide Student with a free appropriate public education (FAPE) in the February 25, 2009 Individualized Education Program (IEP) and the February 19, 2010-April 1, 2010 IEP.

On April 25, 2011, the District filed a Request for Due Process Hearing in OAH case number 2011040835 (Second Case), naming Student as respondent. The District's complaint deals with the sufficiency of the District's FAPE offer at the February 15, 2011, February 25, 2011 and March 9, 2011 annual IEP meeting.

On April 25, 2011, the District filed a Motion to Consolidate the First Case with the Second Case.

On April 27, 2011, Student filed a statement of no opposition to the District motion. Also on April 25, 2011, Student filed a motion for leave to file an amended complaint in the First Case to include additional issues involving the February 15-19, 2011 and March 9, 2011 IEP meetings.

On April 28, 2011, the District filed a Notice of Withdrawal in the Second Case and Non-opposition to Student's Request to File an Amended Complaint in the First Case.

Motion for Consolidation

Because the District has withdrawn the Second case, this matter is now moot. Thus, the motion to consolidate is denied.

Motion for Leave to File Amended Complaint in First Case

Student seeks leave to file an amended complaint in the First case to add issues relating to the February-March 2011 IEP meeting. In the interest of judicial economy, Student's motion is granted.

ORDER

1. The District's motion for consolidation is denied.
2. Student's motion for leave to file an amended complaint in the OAH Case number 2010120583 (First Case) is granted, and Student shall have until May 6, 2011 to file his amended complaint
3. All dates previously set in OAH Case Number 2010120583 (First Case) are vacated.
4. All dates previously set in OAH Case Number 2011040835 (Second Case) are vacated.
5. The 45-day timeline for issuance of the decision in OAH Case Number 2010120583 shall commence on the date that the amended complaint is filed or May 5, 2011 if Student fails to file an amended complaint.

Dated: April 28, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings