

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015110595

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT,

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015090251

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 4, 2015, Folsom Cordova Unified School District filed a Request for Due Process Hearing with Office of Administrative Hearings, naming Student in OAH Case Number 2015090251 (District's case). On November 16, 2015, Student filed a Due Process Hearing Request (complaint) with OAH, naming Folsom Cordova, in OAH Case Number 2015110595 (Student's case). On November 20, 2015, Student's motion to consolidate the two cases was granted and it was further ordered that the matter would proceed on the dates set in Student's case.

On January 14, 2016, Student filed a motion to amend the complaint, and included the amended complaint in the motion (amended complaint). Folsom Cordova filed a notice of non-opposition to Student's motion to amend on January 19, 2016. Currently, the hearing is scheduled to begin on January 26, 2016.

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).)

Student's amended complaint contains substantive changes to his complaint. Folsom Cordova consented in writing to the filing of Student's amended complaint and will be

provided the opportunity to resolve the amended complaint through a resolution session. According, Student's timely motion to amend the complaint is granted.

ORDER

1. Student's motion to amend is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All applicable timelines shall be reset as of the date of this order and OAH will issue a scheduling order with the new dates.
4. OAH Case Number 2015110595 (Student's case) and Case Number 2015090251(District's case) remain consolidated. The matter will proceed on the dates, which will be set forth in the new scheduling order for OAH Case Number 2015110595 (Student's case).
5. The 45-day timeline for issuance of the decision in the consolidated cases shall continue to be based on the date of the filing of the complaint in OAH Case Number 2015110595 (Student's case).

DATE: January 21, 2016

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings