

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT

OAH Case No. 2015120548

PARENT ON BEHALF OF STUDENT,

v.

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

OAH Case No. 2016021004

ORDER GRANTING DISTRICT'S
MOTION TO FILE SECOND AMENDED
COMPLAINT

On December 11, 2015, Huntington Beach City School District filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2015120548 (District's Case), naming Parents on behalf of Student. On January 19, 2016, OAH granted District's request to amend its complaint.

On February 23, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016021004 (Student's Case), naming District.

On February 26, 2016, OAH granted the parties' joint request to consolidate Student's Case with District's Case, and to continue the hearing dates for the consolidated matters. Student's Case was designated the primary case.

On April 25, 2016, OAH granted Student's request to amend Student's complaint to include claims arising from Student's February 17, 2016 and March 21, 2016 individualized education program team meetings. The amendment re-set the hearing date of the consolidated matters which was set for June 21, 2016.

On May 19, 2016, District filed a Motion for Leave to File Second Amended Due Process Hearing Request to include claims that District's offer of a placement, programs and services at the February 17, 2016 and March 21, 2016 IEP team meetings constituted a free appropriate public education in the least restrictive environment for Student. Student filed no opposition.

APPLICABLE LAW AND DISCUSSION

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).)

District's motion to amend, timely submitted more than five days before the hearing, will be granted because allowing District to amend to address issues corresponding to those added in Student's amended complaint filed as of April 25, 2016 will further the interests of judicial economy by saving time, and preventing inconsistent rulings

ORDER

1. District's motion to amend is timely and is granted.
2. District's Second 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. OAH will issue a scheduling order with the new dates.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the Second Amended Complaint in OAH Case Number 2015120548 (District's Case), which is now designated as the primary case.

IT IS SO ORDERED.

DATE: May 27, 2016

DocuSigned by:



ROBERT G. MARTIN

Administrative Hearing Officer

Office of Administrative Hearings