

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016020288

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT AND COMMUNITY ROOTS
ACADEMY,

CAPISTRANO UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2016010119

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT
AND RESETTING DATES

On January 6, 2016, Capistrano Unified School District filed with the Office of Administrative Hearings a request for due process hearing (complaint) in OAH case number 2016010119, naming Student (District's Case).

On February 3, 2016, Student filed a request for due process hearing in OAH case number 2016020288, naming District and Community Roots Academy (Student's Case).

By order dated March 4, 2016, Student's Case and District's Case were consolidated, with the 45-day for issuance of the decision in these consolidated matters to be based upon the filing of the complaint in District's Case.

On April 5, 2016, Student filed a motion to amend his complaint. On April 6, 2016, District and Academy filed a non-opposition to Student's motion, with a request that the dates in these consolidated matters be reset to the new dates that will be scheduled in Student's Case on amendment of Student's complaint.

APPLICABLE LAW

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).)

DISCUSSION

District and Academy consent to the amendment of the complaint in Student's Case so long as they are given an opportunity to resolve the complaint through a resolution session. District and Academy will be given such an opportunity if the 45-day timeline for issuance of the decision in these consolidated matters is based on the date of the filing of the amended complaint in Student's Case.

ORDER

1. Student's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.
2. All applicable timelines in Student's Case shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.
3. All dates previously set in District's Case are vacated, and the consolidated matters will proceed on the new dates scheduled for Student's Case.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's amended complaint.

DATE: April 7, 2016

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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings