

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. HUNTINGTON BEACH CITY SCHOOL DISTRICT,	OAH Case No. 2016030963
HUNTINGTON BEACH CITY SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015120546 ORDER GRANTING MOTION TO AMEND COMPLAINT

On December 11, 2015, Huntington Beach City School District filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2015120546 (District's Case), naming Parents on behalf of Student.

On March 17, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016030963 (Student's Case), naming District.

On March 28, 2016, OAH consolidated Student's Case with District's Case, and continued the hearing dates for the consolidated matter, and designated Student's case as the primary case. OAH also granted the parties' continuance request, which set the prehearing conference for June 6, 2016, and hearing for June 13 – 16, 2016.

On June 1, 2016, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed a non-opposition on June 3, 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).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. 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 03, 2016

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings