

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

COLTON JOINT UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015120044

PARENTS ON BEHALF OF STUDENT,

v.

COLTON JOINT UNIFIED SCHOOL
DISTRICT and SAN BERNARDINO CITY
SUPERINTENDENT OF SCHOOLS.

OAH Case No. 2016031119

ORDER GRANTING COLTON'S
MOTION TO AMEND COMPLAINT

On November 30, 2015, Colton Joint Unified School District filed a due process hearing request (complaint) with the Office of Administrative Hearings, naming Parents on behalf of Student. Student filed a complaint on March 24, 2016, naming Colton and the San Bernardino City Superintendent of Schools. In an order issued on April 4, 2016, OAH granted Student's motion to consolidate his case with that of Colton. Hearing is set to begin on May 18, 2016, in the consolidated matter.

Colton filed a motion to amend its complaint on May 5, 2016. Colton primarily seeks to add allegations concerning an individualized education plan team meeting that occurred after it filed its initial complaint. Student filed a notice of non-opposition to Colton's motion on May 11, 2015.

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).)

Colton's motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. As Colton's motion to amend is granted, its amended complaint is now designated the primary case in this consolidated matter. All applicable timelines shall be reset as of the date of this order based upon Colton's amended complaint. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: May 13, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings