

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015061227

v.

CAMBRIAN SCHOOL DISTRICT,

CAMBRIAN SCHOOL DISTRICT,

OAH Case No. 2015060994

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On June 19, 2015, Cambrian School District filed a due process hearing request with the Office of Administrative Hearings, naming Student. On June 24, 2015, Student filed a complaint naming Cambrian. On June 30, 2015, the parties filed a joint stipulation requesting that the cases be consolidated, and OAH ordered consolidation of the cases on the same date.

On August 31, 2015, Student filed a motion to amend the complaint.¹ The proposed complaint was attached. No opposition has been received from Cambrian.

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).)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ Cambrian filed its own motion to amend its complaint on the same date, and a separate order will be issued concerning that motion.

² All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. Student's case remains the primary case for this consolidated matter. 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: September 4, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings