

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO COUNTY CHILDREN'S
MENTAL HEALTH & CENTRAL
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010100739

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 12, 2010, Student filed a Due Process Hearing Request (complaint), naming Fresno County Children's Mental Health as a respondent. On November 5, 2010, Student filed an amended complaint, which added Central Unified School District as a party and changed the issues and proposed resolutions. There is no evidence Student asked the parties for permission to amend. Although not accompanied by a formal motion or request to amend, the amended complaint will be construed as a motion to amend. No opposition was filed.

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)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

The motion to amend is timely and is granted. All current dates are vacated. The amended complaint shall be deemed filed as of November 15, 2010. All applicable timelines shall be reset as of the date of this order. OAH will issue a new scheduling order.

IT IS SO ORDERED.

Dated: November 15, 2010

/s/

RICHARD T BREEN

Administrative Law Judge

Office of Administrative Hearings