

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

FULLERTON ELEMENTARY SCHOOL  
DISTRICT.

OAH CASE NO. 2011010214

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On January 10, 2011, Student's parents on behalf of Student filed a due process hearing request (complaint), naming the Fullerton Elementary School District (District). On March 30, 2011, Student filed a motion to amend the due process hearing request (amended complaint). The District filed an opposition on April 4, 2011. Student filed a reply on April 5, 2011.

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.

Dated: April 5, 2011

/s/

\_\_\_\_\_  
SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings