

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011070977

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On July 28, 2011, Student filed a Due Process Hearing Request (complaint), naming Folsom Cordova Unified School District (District). On October 7, 2011, Student filed a motion to amend the complaint. On October 12, 2011, the District filed a notice of non-opposition to the filing of the amended complaint. A scheduled prehearing conference (PHC) related to the filing of the first complaint was then convened on October 12, 2011, and Student was advised to file his proposed amended complaint, which he did.<sup>1</sup>

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).)<sup>2</sup> 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: October 13, 2011

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings

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<sup>1</sup> The PHC was continued to a later time on October 12, 2011, pending receipt of the proposed amended complaint.

<sup>2</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.