

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 NOS. 2011090360 and  
2011081127

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On August 26, 2011, Fullerton Elementary School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named Student.

On September 12, 2011, Student, through counsel, filed with OAH a Due Process Hearing Complaint that named the District. On September 14, 2011, OAH issued an order consolidating the District and Student cases.

Currently scheduled in the consolidated matters is a prehearing conference set for February 6, 2012, and a due process hearing set for February 14, 15 and 16, 2012.

On November 18, 2011, the parties filed with OAH a Stipulation to permit Student to file a First Amended Due Process Complaint in Case No. 2011090360.

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. Student's First Amended Due Process 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.

The parties have requested that OAH maintain the currently scheduled hearing dates, but this cannot be done because the decision timeline for the cases will expire before the February 14 – 16, 2012 hearing dates. The parties are requested to submit another request for continuance if they want the same or new dates.

IT IS SO ORDERED.

Dated: November 21, 2011

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings