

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL
DISTRICT AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH CASE NO. 2012070635

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On July 20, 2012, Parent, on behalf of Student, filed a Due Process Hearing Request (complaint), naming Fremont Union High School District and California Department of Education. On July 26, 2012, Student filed an amended complaint.¹ OAH received no opposition from the respondents.

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).)

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: August 2, 2012

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings

¹ The Office of Administrative Hearings (OAH) treats the filing of an amended complaint as a request to file an amended complaint.

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