

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FAIRFIELD-SUISUN UNIFIED SCHOOL
DISTRICT, LIVE OAK SCHOOL
DISTRICT, AND CYPRESS CHARTER
SCHOOL.

OAH CASE NO. 2010120551

ORDER GRANTING FILING OF
THIRD AMENDED COMPLAINT

On December 16, 2010, Student filed a Due Process Hearing Request (complaint), naming Fairfield Suisun Unified School District (District) as respondent. On March 4, 2011, Student filed a third-amended complaint. The Office of Administrative Hearings (OAH) treats the filing of an amended complaint as a motion to amend a previously filed complaint. District did not file an opposition to Student's third-amended complaint.

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).)

Student's third-amended complaint is timely filed; therefore, permission is granted to allow Student to proceed based on the allegations contained in her third amended complaint. The third 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 setting forth the new dates.

IT IS SO ORDERED.

Dated: March 15, 2011

/s/

GARY GEREN
Administrative Law Judge
Office of Administrative Hearings

