

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011091037

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On September 26, 2011, Parent on behalf of Student filed a Due Process Hearing Request (complaint), naming the Fresno Unified School District as respondent. On November 7, 2011, Student) filed a Motion to Amend the Due Process Hearing Request (amended complaint) so as to add an additional party, the Clovis Unified School District (Clovis). Student contends that Clovis is a necessary party to permit relief to be granted as Clovis conducted the initial assessments of Student and provided him with special education and related services. No opposition has been received.

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>1</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: November 17, 2011

/s/

ROBERT HELFAND

Administrative Law Judge

Office of Administrative Hearings

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

