

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 NO. 2011100667

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 19, 2011, Parents on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Fullerton Elementary School District (District) as respondent. On October 20, 2011, Student filed an Amended Due Process Request (first amended complaint). On October 24, 2011, the Office of Administrative Hearings (OAH) issued an order denying Student's request to file the first amended complaint as the pleading failed to include proposed resolutions. On October 25, 2011, Student filed a motion to file a second amended complaint (SAC). The SAC contains a list of proposed resolutions. No opposition was received from the District.

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).)¹ 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.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

IT IS SO ORDERED.

Dated: November 3, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings