

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012010050

ORDER GRANTING/DENYING
MOTION TO AMEND COMPLAINT

On January 03, 2012, Student filed a Due Process Hearing Request (complaint), against the Fremont Union High School District (District). On January 12, 2012, Student filed a Motion to Amend and an Amended Due Process Hearing Request (amended complaint). Student's motion states that District stipulated to the filing of the amended complaint, which corrects errors in the original complaint. On January 12, 2012, District's counsel confirmed that District stipulated to the filing of the 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).)

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. The Office of Administrative Hearings will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: January 12, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings