

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

FOUNTAIN VALLEY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016021047

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 23, 2016, Fountain Valley School District filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Student. On March 15, 2016, District filed a Motion to Amend the Due Process Hearing Request (amended complaint). District asks OAH not to vacate the dates currently on calendar because the current dates were agreed upon in a Joint Request for Continuance granted on March 8, 2016. No opposition was received from Student.

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.¹ OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: March 23, 2016

DocuSigned by:

Christine Arden

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CHRISTINE ARDEN

Administrative Law Judge

Office of Administrative Hearings

¹ The request not to reset dates is denied. The parties may file a Joint Request for Continuance to agreed dates or either party may file a Request for Continuance of the dates contained in the new Scheduling Order.

