

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT
AND ALAMEDA COUNTY
BEHAVIORAL HEALTH CARE
SERVICES.

OAH CASE NO. 2010120595

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On December 16, 2010, Student's parents on behalf of Student (Student) filed a due process hearing request (complaint) with the Office of Administrative Hearings (OAH), naming Fremont Unified School District (District). On December 21, 2010, the District filed a request to add Alameda County Behavioral Health Care Services (ACBH) as a respondent. OAH granted that request on December 29, 2010. On January 6, 2011, Student filed a request to amend the complaint to add specific allegations against ACBH. OAH received no response to the motion from any party. The hearing is set for February 23, 2011.

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)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

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: January 13, 2011

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings