

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

FAIRFIELD SUISUN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009010836

ORDER DENYING MOTION TO
DISMISS AND RESETTING HEARING
TIMELINES

Student's first request for due process hearing (complaint) was found insufficient on February 19, 2009. Student, who is represented by Parent, was granted 14 days to amend the complaint. Student filed an amended complaint with OAH on February 25, 2009. On February 25, 2009, the District received a scheduling order from OAH, which put the District on notice that an amended complaint had been filed. On March 3, 2009, the District filed a motion to dismiss the amended complaint on the ground that they had not been served with the complaint. In support of the District's motion, the District made no showing that it attempted to contact Student's Parent to obtain a copy of the amended complaint. No opposition was filed.

District's motion to dismiss is denied. A copy of Student's amended complaint will be served by OAH on District with this order. Student's amended complaint shall be deemed filed as of the date of this order and all due process hearing timelines will be reset.

It is so ordered.

Dated: March 16, 2009

/s/

RICHARD BREEN
Administrative Law Judge
Office of Administrative Hearings