

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL DISTRICT AND SANTA CRUZ  
COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2018110925

ORDER GRANTING MOTION TO AMEND COMPLAINT

MARCH 12, 2019

On November 28, 2018, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Fremont Union High School, Santa Cruz County Office of Education, and Santa Cruz City Schools. On December 17, 2018, OAH dismissed Santa Cruz City Schools as a party at Student's request. On February 28, 2019, Student filed a Motion to Amend the Due Process Hearing Request along with a proposed amended complaint. Fremont and the County Office have not filed an opposition.

## APPLICABLE LAW

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).)

## DISCUSSION

Since Student filed his initial complaint, Fremont had accepted responsibility as the local educational agency. Student has since moved outside the jurisdictional boundaries of Fremont. A dispute exists as which local educational agencies was responsible for providing Student a free appropriate public education and which is currently responsible for providing compensatory education. Student's amended complaint incorporates these changes and issues. The motion to amend is timely, unopposed, and is granted.

## ORDER

1. Student's motion to amend is granted.
2. The amended complaint shall be deemed filed on the date of this order. All pending dates are vacated and the 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.

THERESA RAVANDI

Administrative Law Judge

Office of Administrative Hearings