

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT,
and CALIFORNIA CHILDREN'S
SERVICES.

OAH Case No. 2014060843

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND

On August 29, 2014, a telephonic prehearing conference was held before Administrative Law Judge Rebecca Freie, Office of Administrative Hearings. Daniel Shaw, Attorney at Law, appeared on behalf of Student. Diandra Netto, Attorney at Law, appeared on behalf of Fresno Unified School District (Fresno).¹ Demond Philson, Attorney at Law, appeared on behalf of California Children's Services (Children's Services). The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

On August 25, 2014, Student filed a motion to amend his complaint. Fresno and Children's Services did not file responses. The due process hearing in this matter is set to begin on September 8, 2014.

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).)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ Fresno and Student have signed a settlement agreement, and Student will be filing a request to dismiss Fresno from this matter.

² All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. Student's amended complaint shall be deemed filed on the date of this order. A new scheduling order will be issued for the amended complaint. All statutory timelines shall begin as of the date of this order.

IT IS SO ORDERED.

DATE: August 29, 2014

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings