.BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023050768

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 19, 2023

On May 19, 2023, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Fremont Unified School District. The Office of Administrative Hearings is referred to as OAH. OAH set the due process hearing on this matter for August 22, through 24, 2023. On June 7, 2023, Student filed a Request to Amend the Due Process Hearing complaint and filed an amended complaint. OAH received no opposition from Fremont Unified.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 was filed more than five days prior to the due process hearing. Therefore, it 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.

Judith Pasewark

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings