

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009051049

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 28, 2009, Student filed a Due Process Hearing Request (complaint), naming District as the respondent.

On August 10, 2009, Student filed a Request/Motion to Amend the Due Process Hearing Request (amended complaint). District did not oppose the motion and has stated that it desires an opportunity to resolve the complaint through a resolution session.

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

DISCUSSION

The motion to amend the complaint is timely and appropriate and amendment of the complaint was not opposed. Pursuant to Section 1415, subsection (c)(2)(E), all applicable timelines recommence upon filing of the amended complaint. The amended complaint shall be deemed filed on the date of this order.

ORDER

1. The motion to amend the due process complaint is granted.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

2. The amended complaint is deemed filed on the date of this order.
3. The due process hearing date of August 20, 2009 is vacated.
4. All applicable timelines shall recommence as of the date of this order.

It is so Ordered

Dated: August 18, 2009

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings