

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT and GREEN DOT PUBLIC
SCHOOLS.

OAH CASE NO. 2010050879

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 28, 2010, Student filed a Due Process Hearing Request (complaint), naming the Los Angeles Unified School District (District). On June 9, 2010, Student filed an amended complaint. The allegations of the amended complaint mirror those of Student's original complaint. The primary substantive change is that Student has added the Green Dot Public Schools (Green Dot) as an additional respondent in this case and requests that remedies be ordered against Green Dot as well as against the District. Student served the District and Green Dot with a copy of the amended complaint by facsimile on June 8, 2010. Neither the District nor Green Dot has filed a response to the amended complaint or an objection to it.

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).)

The motion to amend 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.

Dated: June 22, 2010

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

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