

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. 2010060822

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 18, 2010, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District as respondent. On October 21, 2010, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). The amendment specifically adds the issue of whether District denied Student a Free Appropriate Public Education (FAPE) in the Individualized Educational Program (IEP) dated September 27, 2010, for the 2010-2011 school year, by failing to consider and implement the recommendations of the Independent Educational Evaluation (IEE) conducted by Douglas Speech Associates.

On October 21, 2010 District filed notice of consent to the amended complaint.

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. The Prehearing Conference scheduled for October 25, 2010 at 2:30 p.m., and all other currently scheduled dates are vacated.

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

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: October 25, 2010

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings