

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. 2010060835

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 15, 2010, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District (District). On September 1, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) and Request for Order Sealing Records. On September 7, 2010, District filed a Non-Opposition to the Motion to Amend.

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 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.

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

The request for an order to seal the record will be addressed in a separate order.

IT IS SO ORDERED.

Dated: September 8, 2010.

/s/

CLARA SLIFKIN
Administrative Law Judge
Office of Administrative Hearings