

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT & GRANADA HILLS  
CHARTER HIGH SCHOOL, a  
CALIFORNIA CHARTER SCHOOL.

OAH CASE NO. 2011070477

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On July 15, 2011, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District (District) as the respondent. On August 18, 2011, Student filed a Stipulation to File an Amended Due Process Hearing Request to add Granada Hills Charter School (Charter School) as a respondent (amended complaint). Student and District also requested that the current hearing dates that they had agreed to, be used for the hearing on the amended complaint. On August 19, 2011, the Charter School filed a response stating that it was not opposed to the amendment, but was opposed to the use of the hearing dates stipulated to by the other parties based the unavailability of Charter School's attorney.

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).) 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 is timely and is granted. Because the filing of an amended complaint restarts the applicable timelines and the Charter School was not willing to stipulate to the existing dates based on unavailability of counsel, the present hearing dates are vacated. 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: August 22, 2011

/s/

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CLARA L. SLIFKIN  
Administrative Law Judge  
Office of Administrative Hearings

