

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013080171

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 5, 2013, Parents on behalf of Student and Student (collectively referred to here as “Student”) filed a Due Process Hearing Request (complaint), naming the Los Angeles Unified School District (District). On September 11, 2013, the parties filed a stipulation to permit Student to file an amended complaint. Student included a copy of his proposed amended complaint with the stipulation. The Office of Administrative Hearings (OAH) shall treat the parties’ stipulation as an unopposed motion to amend Student’s 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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Here, the motion to amend has been consented to in writing by the District. Additionally, the motion to amend is timely. Student’s motion to amend is therefore 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: September 11, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

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