

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014120948

ORDER GRANTING SECOND
MOTION TO AMEND COMPLAINT

On December 18, 2014, Student filed a Due Process Hearing Request (complaint), naming Long Beach Unified School District. On April 30, 2015, Student filed a First Amended Request to Amend the Due Process Hearing Request (amended complaint). No opposition was received from District. At the prehearing conference of Friday, May 1, 2015, with both Student's and District's representatives appearing by telephone, District reiterated its non-opposition to Student's amended complaint. On May 1, 2015, Administrative law judge Ted Mann granted Student's Motion to Amend Complaint.

On May 27, 2015, Student filed a Second Amended Request to Amend the Due Process Hearing Request (second amended complaint). On June 1, 2015, District filed written opposition to the second Motion to Amend, asserting that the additional issues in the second amended complaint arose from a confidential settlement and are, in any event, premature. Student filed a Reply Brief on June 2, 2015.

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).)

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

The motion to amend is timely and is granted. The issues raised by District in its Opposition do not serve as a bar to Student's amending his complaint at this time. The second 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.

DATE: June 09, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings