

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. 2015100330

ORDER DENYING MOTION TO
AMEND COMPLAINT

On October 9, 2015, Student filed a due process hearing request with the Office of Administrative Hearings, naming Los Angeles Unified School District. On November 17, 2015, OAH granted the parties' joint request for a first continuance of the hearing dates to February 22, 2016. On January 22, 2016 Student filed a first amended request for due process hearing. Student did not file a motion to request leave to file an amended due process complaint. OAH treated the first amended request for due process hearing as a motion for leave to file a first amended complaint.¹ District did not oppose the first amended request for due process hearing.

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).)

¹ In the future, amended complaints should be accompanied by a motion for leave to file an amended complaint clearly delineating the new issues, or additions, to the amended complaint.

The motion to amend is timely. However, a review of the due process complaint, filed on October 9, 2015, and the first amended complaint, filed on January 22, 2016, showed that no substantive changes or additions were made to the first amended complaint. Therefore, the motion to amend is denied. All previously set dates shall remain on calendar.

IT IS SO ORDERED.

DATE: February 5, 2016

DocuSigned by:

A blue DocuSign signature line with a blue bracket on the left side. The signature "Sabrina Kong" is written in black cursive script over the line.

SABRINA KONG

Administrative Law Judge
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Office of Administrative Hearings