

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. 2009101544

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 26, 2009, Student filed a due process hearing request (complaint), naming Los Angeles Unified School District (District). On January 4, 2010, Student filed an amended due process hearing request (amended complaint), which is deemed to be a motion to amend the complaint. No opposition was received from District.

APPLICABLE LAW AND DISCUSSION

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 days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II); Ed. Code, §56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E), Ed. Code, §56502, subd. (e).)

Hearing in this matter is set to begin on April 6, 2010. Student's motion was filed more than five days prior to the hearing and is, therefore, timely. District did not file a written opposition and, according to Student, does not oppose the motion. The proposed amended complaint includes matters similar to those raised in the initial complaint. Therefore, Student's request is reasonable and in the interest of judicial economy, the motion to amend the complaint is granted.

The amended complaint shall be deemed filed on January 19, 2010. All applicable timelines are reset as of the date of this order. A new scheduling order will be issued accordingly.

It is so ordered.

Dated: January 20, 2010

/s/

TRINA A. HIRSIG
Administrative Law Judge
Office of Administrative Hearings