

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. 2010010284

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On December 03, 2009, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (Complaint) that named the Los Angeles Unified School District SELPA. OAH has assigned this matter Case No. 2010010284.

On January 11, 2010, OAH issued an Amended Scheduling Order that set the due process hearing in Case No. 2010010284 for January 27, 2010.

On January 14, 2010, Parent, on behalf of Student, filed with OAH an Amended Request for Expedited Due Process Hearing (Amended Complaint). The Amended Complaint contains the same issues and proposed resolutions as the Complaint, but names the following parties: (1) Los Angeles Unified School District; (2) New Village Charter School; (3) Opportunities Unlimited Charter; (4) Los Angeles Unified School District SELPA; and (5) Los Angeles County Office of Education. OAH will treat the filing of the Amended Complaint as a motion to file the amended pleading in Case No. 2010010284.

None of the parties named in the Amended Complaint have filed with OAH a response to the amended pleading.

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. (20 U.S.C. § 1415(c)(2)(E)(i)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§ 1415(f)(1)(B).)

The motion to amend is 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. Although the Amended Complaint requests an expedited hearing, the allegations in the amended pleading do not make reference

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

to a change in placement based upon discipline from a violation of a code of student conduct. Thus, the Amended Complaint is not subject to the procedural safeguards relating to expedited special education due process hearings. (§ 1415(k).)

IT IS SO ORDERED.

Dated: January 25, 2010

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings