

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND LOS ANGELES
COUNTY DEPARTMENT OF MENTAL
HEALTH.

OAH CASE NO. 2010060055

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 1, 2010, Student's parent on behalf of Student (Student) filed a due process hearing request (complaint), naming Los Angeles Unified School District and Los Angeles County Department of Mental Health.¹ On July 13, 2010, the parties filed a joint stipulation to permit Student to amend the due process request. The parties also requested a continuance of the hearing dates previously set in this matter.

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)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

The motion to amend is timely and 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.

Because the timelines will be reset, the parties' request for continuance is moot. However, the parties' stipulated request to keep the July 20, 2010 mediation date on calendar is granted.

¹ Student's proposed amended complaint requests an "expedited" hearing, but the complaint does not contain any allegations sufficient to bring it within the expedited procedures set forth in title 20 United States Code section 1415(k).

ORDER

1. The request to file an amended due process complaint is granted.
2. The amended request for due process hearing is deemed filed as of the date of this order.
3. The mediation previously scheduled for July 20, 2010, shall remain on calendar.
4. All other dates previously set in this matter are hereby vacated, and all timelines are reset as of the date of this order.

Dated: July 14, 2010

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings