

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY MENTAL
HEALTH.

OAH CASE NO. 2010071074

ORDER DENYING MOTION TO
AMEND COMPLAINT

On July 26, 2010, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming Los Angeles County Mental Health (Mental Health) as respondent. On August 4, 2010, Student filed his first amended complaint pursuant to a Determination of Insufficiency issued July 28, 2010. On August 25, 2010, Student filed a Motion to Amend the Due Process Hearing Request (second amended complaint). No opposition has been received from Mental Health.

APPLICABLE LAW

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

DISCUSSION

Student's second amended complaint provides one additional sentence indicating that "per the IEP dated August 24, 2010, the Los Angeles County Mental Health failed to provide a free appropriate public education by failing to offer DMH AB3632 eligibility and services." Student provides no factual allegations to support his claim of denial of FAPE. Student's second amended complaint provides an new unsubstantiated issue with no factual allegations, which is subject to the same concerns and insufficiencies as defined in the July 28, 2010 Determination of Insufficiency. Therefore Student's request to amend his complaint is denied.

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

ORDER

Student's request for supplemental amendment to his due process complaint is denied. All previously set dates shall remain as calendared.

IT IS SO ORDERED.

Dated: September 02, 2010

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings