

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. 2010090514

ORDER DENYING MOTION TO
AMEND COMPLAINT

On September 14, 2010, Student filed a Due Process Hearing Request (complaint) against the Los Angeles Unified School District (District). On October 26, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from the District.

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).)

While Student's motion is timely, Student did not include the allegations from the September 14, 2010 complaint in the amended complaint. Student merely referenced the prior complaint and requested that the Office of Administrative Hearings incorporate the prior allegations. However, Student needs to include all allegations in an integrated document, and not split the allegations into two separate pleadings. Therefore, the motion to amend is denied. All previously set dates shall remain on calendar.

IT IS SO ORDERED.

Dated: November 3, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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