

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010101075

ORDER GRANTING STIPULATION
PERMITTING STUDENT LEAVE TO
FILE AMENDED COMPLAINT

On October 25, 2010, Parents on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the Los Angeles Unified School District. Currently scheduled in the case is a prehearing conference set for June 13, 2011, and a due process hearing set for June 20, 21, 22 and 23, 2011. On June 8, 2011, the parties submitted to OAH a Joint Stipulation Granting Petitioner Leave to Amend Due Process Complaint. The stipulation was not accompanied by an amended pleading.

In special education administrative due process proceedings, an amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session. (20 U.S.C. § 1415(c)(2)(E)(i)(I).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

The Joint Stipulation Granting Petitioner Leave to Amend Due Process Complaint follows the foregoing standard and shall be granted. The current hearing dates in the case are hereby vacated. Student shall file with OAH an amended due process complaint within a reasonable period of time from the date of this order. Upon the filing of the amended pleading, all applicable timelines in the case shall be reset, and OAH shall issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: June 09, 2011

/s/

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