

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAWNDALE SCHOOL DISTRICT.

OAH CASE NO. 2010120915

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On December 17, 2010, Student filed a Due Process Hearing Request (complaint), naming District. On April 28, 2011, Student timely filed an amended Request for Due Process (amended complaint). Student did not file an accompanying motion or request to amend. District filed an opposition on April 29, 2011. Student's amended complaint will be deemed a motion to amend.

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).) 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 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. Addressing District's concerns in its opposition, District is free to raise the statute of limitations as a defense and argue that the new claims do not relate back to the original filing date. By resetting the timelines, District also has an opportunity to file an NOI, and shall have the opportunity to resolve the complaint in a resolution session. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: May 2, 2011

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings