

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. 2011060786

ORDER GRANTING REQUEST TO
AMEND COMPLAINT

On June 16, 2011, Student filed a Due Process Hearing Request (complaint), naming District. On June 29, 2011, District filed a Notice of Insufficiency (NOI).

On June 30, Student filed a Request to Amend the Due Process Hearing Request (amended complaint) to correct the insufficiency addressed in District's NOI.

On July 1, 2011, OAH prepared an order determining the complaint to be insufficient and further ordering Student to file an amended complaint within 14 days from issuance of the order.

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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

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

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.

IT IS SO ORDERED.

Dated: July 05, 2011

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings