

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. 2011080531

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 15, 2011, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District (District). On September 22, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) and a joint stipulation of the parties to allow amendment of the complaint and to vacate all dates currently set in this case.

APPLICABLE LAW AND DISCUSSION

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).)

The motion to amend is timely and the parties have stipulated to both the filing of the amended complaint and vacating the currently set hearing dates. Therefore, the motion 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: September 23, 2011

/s/

GLYNDA GOMEZ
Administrative Law Judge
Office of Administrative Hearings

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