

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. 2012010068

ORDER GRANTING MOTION TO
AMEND COMPLAINT, AND
ORDERING MATTER BE SET FOR
EXPEDITED AND NON-EXPEDITED
DUE PROCESS HEARING

On January 4, 2012, Sara Gapasin, Attorney at Law, on behalf of Student (Student), filed a Due Process Hearing Request (complaint), naming the Los Angeles Unified School District (District).

On February 28, 2012, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). The amended complaint requested an expedited hearing due to a pending expulsion proceeding involving Student. 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).)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 Request to Amend is timely and is granted. The Due process hearing in this matter is currently set to begin on April 10, 2012. Thus, because the due process hearing date is not set to begin within five days from the date the motion to amend was filed with the Office of Administrative Hearings (OAH), the Request to Amend is proper.

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. Student's amended complaint raises issues that require both an expedited due process hearing and a non-expedited due

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

process hearing. Accordingly, OAH will issue a scheduling order with the new dates for both the expedited and non-expedited portions of the request for due process hearing.

IT IS SO ORDERED.

Dated: March 6, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings