

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. 2012030115

ORDER GRANTING MOTIONS TO
AMEND COMPLAINT AND FOR
EXPEDITED HEARING

On March 5, 2012, Student filed a Due Process Hearing Request (complaint), naming the Los Angeles Unified School District (District). On March 6, 2012, Student filed an Amended Due Process Request, along with a request for expedited hearing, which the Office of Administrative Hearings shall treat as a motion to amend Student's original complaint. The basis for Student's request for an expedited hearing is his allegation that he is a student with special needs, has an individualized education program, and that the District expelled him without holding a manifestation hearing to determine if the behavior that resulted in his expulsion was a manifestation of his disability. The District has not filed an opposition or otherwise responded to Student's amended complaint.¹

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).)² 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 is granted as is Student's request for an expedited hearing. 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 indicating dual dates for this matter, with the sole issue for the expedited hearing being

¹ Student filed another amended complaint on March 13, 2012. A review of that document indicates that it is the same as the amended complaint he filed on March 6, 2012.

² All statutory citations are to Title 20 United States Code unless otherwise indicated.

whether the District denied Student a free appropriate public education by failing to hold a manifestation hearing before expelling him.

IT IS SO ORDERED.

Dated: March 16, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings