

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. 2012030130

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 5, 2012, Mother, on behalf of Student, filed a Due Process Hearing Request (complaint) against the Los Angeles Unified School District (District). On March 26, 2012, the Office of Administrative Hearings (OAH) granted Student's motion to amend the complaint (amended complaint). On July 9, 2012, Student filed a Motion to Amend the Due Process Hearing Request (second amended complaint), which the District Stipulated to the amendment. The proposed amendment was to substitute Student's Father for Student's Mother as the responsible parent due to an intervening court order. There are no other changes to the factual allegations between the amended complaint and proposed second amended complaint.

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 timely and is granted because Student's request to amend the complaint was made more than five days before the hearing commenced, and necessary to include to correct responsible parent. The second 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 11, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings