

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. 2012041000

ORDER FOLLOWING STIPULATED
AMENDED COMPLAINT

On April 25, 2012, Student filed a Due Process Hearing Request (complaint), naming District as the respondent. On June 7, 2012, Student filed an amended complaint, and stipulation to file the amended complaint that was signed by District. The stipulation included language purporting to agree that the amended complaint “related back” to the April 25, 2012 filing of the amended complaint. This order clarifies that the amended complaint will be deemed filed today and will clarify the scope of permissible relation back to the original 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).) Here, the District has consented in writing, such that the amended complaint is deemed filed as of the date of this order, all applicable timelines shall be reset, and OAH shall issue a new scheduling order with new dates.

As to “relation back” to the original complaint, the parties “stipulation” was unclear as to what was being asked. This order clarifies for purposes of the statute of limitations that: 1) claims in the amended complaint that were also contained in the original complaint are subject to the statute of limitations beginning two years prior to the April 25, 2012 filing date of the original complaint; and 2) all new claims in the amended complaint are subject to the statute of limitations two years prior to the date of this order, which is the filing date of the amended complaint.

IT IS SO ORDERED.

Dated: June 07, 2012

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings