

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012050558

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On May 11, 2012, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming the Los Angeles Unified School District (District). On June 27, 2012, Student filed a joint “Stipulation of the Parties” to amend the complaint, which included an Amended Request for Due Process Hearing and Mediation (amended complaint). The stipulation is deemed to be a motion to amend the complaint.

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 days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)<sup>1</sup> 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, District consents, as evidenced by the parties’ joint stipulation, to Student’s request to amend the complaint. Further, the motion to amend motion to amend is timely, as Student’s motion was made more than five days before the hearing commenced. The Due process hearing in this matter is currently set to begin on July 10, 2012. Thus, the motion is granted.

ORDER

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<sup>1</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.

1. Student's motion to amend the complaint is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

Dated: June 29, 2012

/s/

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Administrative Law Judge  
Office of Administrative Hearings