

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. 2012060888

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 20, 2012, Parents, on behalf of Student (Student) filed a Due Process Hearing Request (first complaint) naming the Los Angeles Unified School District (District). On July 3, 2012, Student, through her attorney, Kim Karelis, filed a second Due Process Hearing Request (second complaint), which also named District. OAH has deemed the filing of the second complaint as a request to amend Student's first complaint. The second complaint is further deemed an amended complaint.

On July 12, 2012, parties filed a joint Stipulation through which District agrees that Student should be granted leave to file amend the complaint. Thus, District indicated that it has no opposition to Student's request 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).)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).)

Here, District consents, as evidenced by the parties' joint stipulation, to Student's request to amend the complaint. Further, the due process hearing in this matter is currently set to begin on August 14, 2012. Thus, the motion to amend motion to amend is timely as Student's motion was made more than five days before the hearing commenced. Therefore, the motion is granted.

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

ORDER

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.

IT IS SO ORDERED.

Dated: July 13, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings