

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT; BIRMINGHAM  
COMMUNITY CHARTER SCHOOL.

OAH CASE NO. 2013110699

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On November 16, 2013, Student's parents on behalf of Student (Student) filed a due process hearing request (complaint), naming the Los Angeles Unified School District (District). On November 22, 2013, Student filed an amended complaint, which added a new party to the case – the Birmingham Community Charter School (Charter School). Student did not file a motion seeking leave to amend the complaint. For purposes of judicial economy and convenience to both parties, Student's filing of an amended complaint shall be treated as a motion seeking leave to amend.

The Charter School filed a response to the amended complaint, but did not object to the filing of an amended complaint. The District has not yet responded to the 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).)<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).)

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

The motion to amend is timely and is granted. 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 with the new dates.

IT IS SO ORDERED.

Dated: December 5, 2013

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings