

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. 2014020557

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 14, 2014, Parents on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) against the Los Angeles Unified School District (Los Angeles). On February 19, 2014, Student filed an amended Request for Due Process Hearing (amended complaint) with OAH.¹ No response or opposition to the motion to amend has been received from Los Angeles.

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 (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i); Ed. Code, § 56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii); Ed. Code, § 56502, subd. (e).) In a student-filed case, these timelines include a new resolution session period. (Ed. Code, § 56501.5.)

The due process hearing in this matter is currently scheduled to begin on April 10, 2014. Student's motion to amend the complaint is timely as the due process hearing date is not set to begin within five days from the date of this ruling on the motion. Also, District has not opposed the motion to amend. Accordingly, Student's motion to amend the complaint is granted.

¹ OAH deems the filing of an amended complaint a motion to amend the complaint.

ORDER

1. Student's motion to amend the complaint is granted.
2. Student's amended complaint shall be deemed filed on the date of this order and all applicable timelines shall be reset as of the date of this order.
3. All currently set dates in this matter are vacated.
4. The 45-day timeline for issuance of the decision in this matter shall be based on the date of this order.
5. OAH will issue a scheduling order with the new dates based on the timelines now reset pursuant to this order.

IT IS SO ORDERED.

DATE: March 3, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings