

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. 2011080202

ORDER GRANTING MOTION TO  
AMEND DUE PROCESS COMPLAINT

On August 08, 2011, Parent on behalf of Student filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing that named the Los Angeles Unified School District. There are currently scheduled in the matter a prehearing conference for September 28, 2011, and a due process hearing for October 5, 2011. On September 7, 2011, counsel for Student filed a notice of representation with OAH. On September 22, 2011, counsel for Student filed with OAH an Amended Motion to File Amended Complaint, together with a proposed Amended Due Process 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 request to amend is timely and shall be granted. The currently scheduled hearing dates are hereby vacated, and OAH shall issue a new scheduling order based upon the Amended Due Process Complaint.

IT IS SO ORDERED.

Dated: September 22, 2011

/s/

TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings