

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ALAMITOS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013120104

ORDER DENYING MOTION TO
AMEND COMPLAINT

On December 2, 2013, Student filed a Due Process Hearing Request, naming Los Alamitos Unified School District (District). On January 27, 2014, Student filed an “Amended Request for Due Process Complaint” which OAH construes as Student’s Motion to Amend the Due Process Hearing Request (motion to amend).

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).)

The motion to amend the complaint is not timely because the due process hearing date is set within five days from the date the motion to amend was filed with OAH. Further, the motion is not accompanied by written consent of the other party to the due process hearing. Therefore, the motion to amend is denied. All previously set dates shall remain on calendar.

IT IS SO ORDERED.

Dated: January 27, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings