

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015010428

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 23, 2015, Student moved to amend his due process complaint in this matter. This case was originally filed for Student by his parents without the assistance of an attorney. Parents are native Spanish speakers and the complaint was originally filed in Spanish. On January 30, 2015, Ms. Hodge Amey sent OAH a notice of representation. Ms. Hodge Amey notified the attorney for Sacramento City Unified that she intended to file an amended complaint. However, due to language difficulties with her clients, she did not have the opportunity to speak to Parents in depth or have documents translated until late in the week of February 17, 2015. Los Angeles and Sacramento opposed the motion.

DISCUSSION AND ORDER

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 is timely and is granted. The amended complaint was timely filed on February 25, 2015 and shall be deemed filed on that date. All applicable timelines shall be reset as of the date the amended complaint was filed and OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: February 26, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings