

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014041152

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT, SIMI VALLEY UNIFIED
SCHOOL DISTRICT, and CALIFORNIA
DEPARTMENT OF EDUCATION.

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2014070148

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On April 28, 2014, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District (Los Angeles). On July 16, 2014, Student filed a motion to amend the complaint, and attached the proposed amended complaint to the motion. On July 17, 2014, Los Angeles filed a non-opposition to the filing of 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).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ 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.² 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.

DATE: July 18, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

² On July 16, 2014, California Department of Education filed a motion to be dismissed as a party to the action since part of Student's amended complaint added CDE to the action. On July 18, 2014, Los Angeles filed a motion to dismiss Student's second claim in both the amended and the original complaint, and filed a motion to amend its original complaint in OAH Case No. 2014070148. OAH will rule upon all of these motions separately, once Student has had an opportunity to respond. The instant order should not be construed as an order denying Los Angeles's motion to dismiss the second claim, or an order denying CDE's motion to be dismissed as a party.