

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 PACOIMA CHARTER
SCHOOL.

OAH Case No. 2014090828

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 23, 2014, Student filed a Due Process Hearing Request (complaint), naming the Los Angeles Unified School District. On October 3, 2014, Student filed an Amended Request for Due Process Hearing Request (amended complaint), which the Office of Administrative Hearings has treated as a motion to amend her original complaint. In the amended complaint, Student adds the Pacoima Charter School as a named respondent. She alleges that Los Angeles Unified and Pacoima Charter are both liable for failing in their child find obligation to her and for failing to access her upon her parent's request. Student served the amended complaint on both Los Angeles Unified and Pacoima Charter. Neither respondent has opposed the motion to amend or otherwise filed a response.

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.

Here, Student's motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. 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: October 14, 2014

/s/

DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings