

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL DISTRICT
AND OPPORTUNITIES FOR LEARNING,
BALDWIN PARK II CHARTER SCHOOL.

OAH Case No. 2014090438

ORDER GRANTING REQUEST TO
AMEND COMPLAINT AND
DENYING MOTIONS TO DISMISS
AND ADD PARTIES (AS MOOT)

On September 10, 2014, Student filed a Due Process Hearing Request naming Compton Unified School District and Baldwin Park Unified School District as respondents. On October 7, 2014, Student filed a Request to Amend the Due Process Hearing Request.¹ No opposition was received from either Compton or Baldwin Park.

APPLICABLE LAW, 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).)² 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 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.

¹ Student also requested that Baldwin Park Unified School District be dismissed from the complaint, and Opportunities for Learning, Baldwin Park II Charter School be added as a respondent to the complaint. As Student's amended complaint reflects the dismissal of Baldwin Park Unified School District, and the addition of Opportunities for Learning, as the proper respondent, these requests are now moot.

² All statutory citations are to title 20 United States Code unless otherwise indicated.

IT IS SO ORDERED.

DATE: October 17, 2014

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings