

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014100618

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 15, 2014, Student filed with the Office of Administrative Hearings a Due Process Hearing Request (complaint) naming the Los Angeles Unified School District (Los Angeles). This matter is currently set for hearing beginning December 9, 2014. On November 24, 2014, Student filed a First Amended Request for Due Process Hearing (amended complaint) which is deemed a motion to amend the complaint. On November 26, 2014, Los Angeles verbally notified OAH that it is not opposed to Student's motion to amend the complaint.¹

APPLICABLE LAW

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).)

DISCUSSION

Since the filing of her initial complaint, Student seeks to add additional allegations. In summary, Student now alleges that Los Angeles denied her a free appropriate public education for both the 2013-2014 and 2014-2015 school years by failing to offer an

¹ Based upon recent filings, it appears that Los Angeles is now represented by counsel. Los Angeles should ensure that its counsel files a notice of representation with OAH to ensure receipt of all OAH orders.

appropriate placement, failing to implement her individualized education program, impeding Parent's participatory rights by failing to timely provide Parents a copy of the October 2013 IEP, and failing to identify accurate levels of functioning in Student's October 2013 IEP. The motion to amend the complaint is timely and unopposed. Therefore, the motion to amend is granted.

ORDER

1. Student's motion to amend 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: December 1, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings