

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. 2014090938

ORDER DENYING MOTION TO
AMEND COMPLAINT

On September 24, 2014, Student filed a Due Process Hearing Request (complaint), naming District. On January 16, 2015, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from District.

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 the complaint is not appropriate to be granted at the moment for the following reasons. Student's original complaint alleges that District failed to offer a therapeutic residential placement during the 2012-2013 and 2013-2014 school years. According to the proposed amended complaint, on November 3, 2014 the parties participated in an IEP meeting during which the District denied Student's request for a residential placement for the remainder of the 2014-2015 school year. Student waited for over two months before filing his motion to amend the complaint and proposed amended complaint, alleging that the District failed to offer a residential placement at the November 3, 2014 IEP meeting.

Further, on November 4, 2014, Student agreed to continue the mediation and due process hearing to January 20, 2015 and February 24, 25, and 26, 2015, respectively. On January 16, 2015, Student cancelled the mediation soon after filing his motion to amend the complaint. Taken together, Student's motion appears to be a request to continue the hearing.

Therefore, Student's motion to amend is denied without prejudice. Student may renew his motion during the February 9, 2015 prehearing conference.

All previously set dates shall remain on calendar. The parties' prehearing statements shall be served and filed by the close of the business day on February 4, 2015.

IT IS SO ORDERED.

DATE: February 2, 2015

/s/

CAROLINE A. ZUK
Administrative Law Judge
Office of Administrative Hearings