

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015061180

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On June 24, 2015, Student filed a Due Process Hearing Request (complaint), naming the Long Beach Unified School District. On July 21, 2015, Student filed a motion to amend his complaint. Long Beach has not filed an opposition or other responsive pleading to Student's motion.¹

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.

IT IS SO ORDERED.

DATE: July 31, 2015

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

¹ On July 21, 2015, District a motion to dismiss Student's original complaint, which Student opposed. District's motion is moot given this Order granting Student's motion to amend.

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