

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LEARNING BY DESIGN CHARTER SCHOOLS AND LOS ANGELES
UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023120166

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 23, 2024

On December 1, 2023, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Learning By Design Charter School. The Office of Administrative Hearings is referred to as OAH. On December 27, 2023, OAH granted the parties' joint request for mediation and continuance and scheduled a mediation to take place on January 29, 2024, 1:30 PM to 5:00 PM. On January 11, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Learning by Design.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 was filed more than five days prior to the due process hearing. Therefore, it 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. The mediation scheduled for January 29, 2024, 1:30 PM to 5:00 PM, remains on calendar unless cancelled by a party, and the timeline governing this matter shall not change. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Rita Defilippis

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Administrative Law Judge

Office of Administrative Hearings