BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND RESEDA CHARTER HIGH SCHOOL.

OAH CASE NUMBER 2019030607

ORDER GRANTING MOTION TO AMEND DUE PROCESS COMPLAINT

On March 15, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Los Angeles Unified School District and Reseda Charter High School. The Office of Administrative Hearings is referred to as OAH. On August 20, 2019, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. On August 21, 2019, Los Angeles filed an Opposition to Student's Motion to Amend. On August 22, 2019, Student filed a reply to Los Angeles's opposition. The due process hearing is scheduled to begin on August 27, 2019.

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).)

Student seeks to amend the complaint by adding an issue related to Los Angeles's failure to timely complete Student's individualized education program during the 2017-2018 school year. Los Angeles argues OAH should deny Student's motion because it is untimely, lacks good cause, and is being used to delay the due process hearing.

The Motion to Amend is granted. Student filed the motion more than five days before the due process hearing. OAH has the discretion to grant a timely Motion to Amend. Student is not required to show good cause in order to amend the complaint. There is no evidence Student filed the motion in an attempt to unnecessarily delay the due process hearing. The amended complaint will be deemed filed on the date of this Order. All applicable timelines will be reset as of the date of this Order. The scheduled due process hearing dates are vacated. OAH will issue a Scheduling Order with the new dates.

IT IS SO ORDERED.

DocuSigned by:
Tara Doss
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DATED: August 22, 2019

Tara Doss
Administrative Law Judge
Office of Administrative Hearings