

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

OAKLAND UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2013030300

v.

PARENT ON BEHALF OF STUDENT.

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013020044

v.

OAKLAND UNIFIED SCHOOL DISTRICT,

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 11, 2013, Oakland Unified School District (District) filed a Due Process Hearing Request (complaint), naming Student. On March 15, 2013 the Office of Administrative Hearings (OAH) issued an Order consolidating District's matter, OAH Case Number 2013030300, with Student's previously filed case, OAH Case Number 2013020044. On March 18, 2013, District filed an amended complaint¹ (amended complaint). No opposition was received from Student.

APPLICABLE LAW AND DISCUSSION

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).)

¹ District's Amended Complaint will be treated as a Motion to Amend and a proposed amended complaint.

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

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.

Dated: March 22, 2013

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings