

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015030848

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 18, 2015, Student filed a due process hearing request naming Berkeley Unified School District as respondent. On April 14, 2015, Student filed a motion to amend his complaint. Berkeley did not submit a response to Student's motion to amend his complaint.

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).)¹ Filing an amended complaint restarts the applicable due process hearing timelines. (20 U.S.C. §1415(c)(2)(E)(ii).)

The initial complaint alleged, among other issues, that Berkeley failed to provide extended school year services to Student during the 2013-2014 school year. The amended complaint appears to add an allegation regarding Berkeley's failure to provide related services during the 2013-2014 extended school year, and seeks compensatory speech and language and occupational therapy services.

¹ 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 and applicable timelines will be reset accordingly. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: April 20, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings