

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015111055

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On November 24, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Oakland Unified School District. On March 10, 2016, Student filed an Amended Request for Mediation and Due Process Hearing (amended complaint), which is treated as a motion to amend the complaint. Oakland filed an opposition on March 10, 2016.¹

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

While several of the issues in the amended complaint are issues from the complaint that have been reframed and/or narrowed, there are at least two new issues. The new issues allege violations that occurred prior to the filing of the complaint. 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: March 11, 2016

DocuSigned by:

Lisa Lunsford

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LISA LUNSFORD

Administrative Law Judge

Office of Administrative Hearings

¹ Included in Oakland's opposition was a Notice of Insufficiency, which must be filed with OAH separately and will not be ruled upon at this time.

