

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. 2015120931

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On December 15, 2015, Parent on behalf of Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Berkeley Unified School District. The complaint contained five issues.

On January 21, 2016, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The amended complaint contains the five issues alleged in the complaint plus an additional issue.

No opposition was received from District.<sup>1</sup>

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).)

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<sup>1</sup> On January 25, 2016, District filed with OAH a Notice of Insufficiency as to the amended complaint. District's Notice of Insufficiency was prematurely filed as OAH had not yet granted Student's motion to amend. Accordingly, District's Notice of Insufficiency will be deemed filed as of the date of this order granting the motion to amend.

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: January 26, 2016

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings