

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. 2014030356

ORDER DENYING MOTION TO  
AMEND COMPLAINT

On March 6, 2014, Student filed a due process hearing request (complaint), naming the Oakland Unified School District (Oakland). On April 21, 2014, Student filed a motion to amend the complaint with the Office of Administrative Hearings (OAH), however, no amended complaint was attached to the motion. A prehearing conference was held in this matter on April 21, 2014. At that time, Administrative Law Judge Rebecca Freie notified Student that the motion to amend the complaint would not be considered without a proposed amended complaint being presented to OAH with the motion. The order after prehearing conference details this ruling. To date, Student has not filed an amended complaint or withdrawn the motion to amend.

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).)

Because Student has not filed an amended complaint, the motion to amend is denied. All previously set dates shall remain on calendar.

IT IS SO ORDERED.

DATE: April 23, 2014

/s/

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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings