BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: OAKLAND UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013040377 ORDER GRANTING REQUEST TO AMEND COMPLAINT

On April 8, 2013, Oakland Unified School District (District) filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming Student. On July 16, 2013, the District transmitted to OAH, via facsimile, a document entitled "Petitioner . . . District's Amended Request for Due Process Hearing" (amended complaint). No request to file an amended complaint was submitted to OAH by the District. [1] However, OAH has inferred that the transmittal of the amended complaint to OAH incorporates a request to file an amended complaint. No response was received from Student. The due process hearing in this matter is to commence on September 4, 2013.

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).)

The request 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.

Dated: July 31, 2013

/s/
REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

[1] The District is represented by experienced counsel who should know the procedure is to file a formal request or motion to amend the complaint with the proposed amended complaint.