BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BERKELEY UNIFIED SCHOOL DISTRICT AND EMERY UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2014011067 ORDER DECLARING BERKELEY UNIFIED SCHOOL DISTRICT'S NOTICE OF INSUFFICIENCY TO THE ORIGINAL COMPLAINT TO BE MOOT

On January 30, 2014, Parent on behalf of Student (Student) filed a due process hearing request[1] (original complaint), with the Office of Administrative Hearings (OAH), naming the Berkeley Unified School District (Berkeley USD) and the Emery Unified School District (Emery USD). On February 12, 2014, Emery USD filed a notice of insufficiency (NOI) as to Student's original complaint. On February 13, 2014, Student filed an amended due process hearing request (amended complaint).

By Order dated February 18, 2014, the original complaint was determined to be insufficiently pled as to Emery USD, and leave to amend was granted. By Order dated February 19, 2014, Student's amended complaint was deemed filed in response to the February 18, 2014 order, and the statutory timelines were restarted.

Student's amended complaint is the operative pleading in this matter, rendering Berkeley USD's NOI moot. Both named school districts have an opportunity to file NOI motions as to the amended complaint, and Student shall not file any further motions to amend the complaint until the time for both named school districts to file NOI's has passed.

IT IS SO ORDERED

DATE: February 21, 2014

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).