

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. 2017031335

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 23, 2017, Oakland Unified School District filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Parent on behalf of Student. This matter is pending hearing on April 18, 2017. On April 12, 2017, Oakland filed a Motion to Amend the Due Process Hearing Request along with a proposed amended complaint. On April 13, 2017, Student informed OAH that she did not oppose the motion.

APPLICABLE LAW

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).)

DISCUSSION

Oakland seeks to amend its complaint to add an additional issue regarding the appropriateness of its 2016 psychoeducational assessment of Student. The motion to amend is timely, unopposed, and is granted.

ORDER

1. Oakland's motion to amend is granted. The amended complaint shall be deemed filed on the date of this order.

2. 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: April 14, 2017

DocuSigned by:

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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings