

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050068

OAH CASE NUMBER 2026031278

ORDER FOLLOWING PREHEARING CONFERENCE  
GRANTING MOTION TO AMEND OAKLAND UNIFIED  
SCHOOL DISTRICT'S COMPLAINT; ORDER GRANTING  
REQUEST FOR CONTINUANCE

SEPTEMBER 4, 2026

On September 4, 2026, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Amanda O'Neal appeared on behalf of Student. Attorneys Elizabeth Schwartz and Anneliese Downey appeared on behalf of Oakland Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## MOTION TO AMEND OAKLAND UNIFIED'S COMPLAINT

On March 27, 2026, Oakland Unified filed a request for due process hearing, called a complaint, naming Student. April 29, 2026, Student filed a complaint naming Oakland Unified. On May 20, 2026, OAH consolidated the cases and designated Student's case as the primary case, continued the hearing for the consolidated cases, and ordered the 45-day timeline for issuance of the decision in the consolidated cases to be based on the filing of Student's complaint.

On September 2, 2026, Oakland Unified filed a motion to amend its complaint and an amended complaint. Oakland Unified's amended complaint seeks to add an issue of whether the May 4, 2026 individualized education program, called IEP, offered Student a free appropriate public education in the least restrictive environment.

On September 4, 2026, Student filed an opposition to the motion to amend. Student filed a declaration by Attorney O'Neal in support of the opposition. The hearing in these consolidated matters is scheduled to begin on September 15, 2026.

At the PHC, the parties represented that the educational benefit Student received while unilaterally placed at The Berkeley School is relevant to the remedies Student seeks, specifically reimbursement for the cost of her attendance at The Berkeley School for the 2025-2026 school year. The parties also represented that the educational benefit Student received at The Berkeley School during the 2025-2026 school year was presented and considered by the IEP team in developing the May 4, 2026 IEP.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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).)

Here, a common question of fact exists in Student's complaint and Oakland Unified's amended complaint, specifically, the educational benefit received by Student while attending The Berkeley School. Therefore, granting an amendment to Oakland Unified's complaint promotes the interests of judicial economy because the same evidence and witnesses will be presented for the remedies Student seeks and Oakland Unified's defense of its offer of FAPE in the May 4, 2026 IEP.

Further, the motion to amend was filed more than five days prior to the due process hearing, and permission to grant an amendment of the complaint is timely. Accordingly, the motion to amend the complaint is granted.

Oakland Unified's complaint is deemed filed on the date of this Order. Typically, all applicable timelines are reset when a motion to amend is granted and a new scheduling order is issued. In this consolidated matter, because Student's case in OAH case number 2025050068 is the primary case, the applicable timelines are not reset and will continue to be based on the filing of Student's complaint, and OAH will not issue a new scheduling order. However, as discussed below, a continuance is granted.

## CONTINUANCE OF DUE PROCESS HEARING

At the PHC, Student requested to continue the hearing to allow Student additional time to prepare for the new issue involving the appropriateness of the May 4, 2026 IEP. Oakland Unified did not oppose the request.

A due process hearing must be conducted, and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Student established good cause for a continuance to allow Student to prepare for hearing. Accordingly, the request is granted. All dates are vacated.

At the PHC, the parties proposed new hearing dates. Based on the discussion between the parties and the ALJ, the matter shall proceed as follows:

PHC will be held on October 9, 2026, at 1:00 PM.

Due Process Hearing will be held on October 20, 21, and 22, 2026, and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

## ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should

be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

*Rommel P. Cruz*

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings