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. 2017120075 ORDER GRANTING MOTION TO FILE SECOND AMENDED DUE PROCESS REQUEST

On November 30, 2017, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Oakland Unified School District (District). On March 14, 2018, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). District did not oppose Student's filing of an amended complaint. OAH issued an Order granting Student's motion to amend on March 15, 2018. The hearing in this matter is scheduled for May 9, 2018.

On April 24, 2018, Student filed a Motion to File Second Amended Due Process Request (second amended complaint) alleging that there are additional facts and claims which occurred after the amended complaint had been filed. Student's proposed amended complaint added the following facts and claims: (1) Whether District failed to timely assess Student and hold the mandatory IEP meeting within 60 days and (2) Whether District failed to convene an Early Resolution Session within fifteen days of being served with the First Amended Complaint. District filed a Non-Opposition to Petitioner's Motion to File Second Amended Due Process Request on April 24, 2018.

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 motion 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.

IT IS SO ORDERED.

DATE: April 27, 2018

DocuSigned by:
Jackie C. Dai
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JACKIE C. DAI
Administrative Law Judge
Office of Administrative Hearings