

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

CHINO VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2026041142
OAH CASE NUMBER 2026030442

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE, GRANTING STUDENT'S
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

AUGUST 31, 2026

On August 31, 2026, Administrative Law Judge Christine Arden, 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.

Parent and advocates, Peter Atwood and Shanda Ellsworth, appeared on behalf of Student. Leyan Li, Cantonese interpreter, appeared to assist Parent. Sundee Johnson,

Attorney at Law, appeared on behalf of Chino Valley Unified School District, called Chino. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S PENDING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On April 27, 2026, Student filed a Due Process Hearing Request, referred to as a complaint, with OAH, naming Chino. On August 27, 2026, Student filed Student's Request for Leave to Amend, and a proposed Amended Due Process Complaint. Chino did not file a written opposition to Student's request for leave to amend. At the PHC, counsel for Chino represented that Chino did not oppose Student filing her amended complaint, but opposed a delay in the hearing.

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).)

The current hearing dates in this case are September 9, 2026, through September 10, 2026. Therefore, Student's motion for leave to file amended complaint was filed more than five days prior to the due process hearing. Therefore, Student's motion 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.

Additionally, the undersigned ALJ noted on the record that Student failed to file a Prehearing Conference Statement before this PHC. The ALJ informed Parent that

Student must file Student's Prehearing Conference Statement at least three business days before the next PHC.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting [OAH Secure e-file](https://www.applications.dgs.ca.gov/oah/oahsftweb) at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings