

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

BULLIS CHARTER SCHOOL AND SANTA CLARA COUNTY OFFICE
OF EDUCATION

OAH CASE NUMBER 2024060021

ORDER GRANTING MOTION TO AMEND COMPLAINT

JUNE 17, 2024

On May 31, 2024, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Bullis Charter School as respondent. On June 10, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint to add Santa Clara County Office of Education as a respondent. No opposition to the motion to amend was received from either Bullis or Santa Clara County Office of Education.

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 motion to amend was filed sufficiently in advance of the hearing for the Administrative Law Judge to rule at least five days prior to the due process hearing. Therefore, it is timely. Although an amendment adding a respondent is not merely a clerical error, as asserted in Student's motion to amend, the addition of a respondent is grounds to amend the complaint. The motion is unopposed 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. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).). All currently scheduled dates are vacated. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings