

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070468

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 9, 2024

On July 12, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Palo Alto Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 10, 2024, the parties participated in a mediation. On October 7, 2024, the parties filed a joint stipulation that Student be allowed to file an amended complaint. The amended complaint seeks to add new allegations that Palo Alto failed to offer Student goals and services in English language development, and failed to assess Student in her native Korean language. The due process hearing is set to begin on November 5, 2024.

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 unopposed motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. The statutory timelines will be reset as of the date of this order. The parties' request that the due process hearing remain scheduled for November 5 through 7, 2024, is denied because that would not allow for the mandatory 30-day resolution period. OAH will issue a scheduling order with new hearing dates.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings