

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENT ON BEHALF OF STUDENT,

v.

DARNALL CHARTER SCHOOL AND  
SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024090149

ORDER FOLLOWING PREHEARING CONFERENCE FOR  
HEARING BY VIDEOCONFERENCE AND GRANTING  
MOTION TO AMEND

OCTOBER 14, 2024

On October 14, 2024, Administrative Law Judge June R. Lehrman, 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.

Tamiel Holloway, Attorney at Law, appeared on behalf of Student. David Graham, Attorney at Law, appeared on behalf of Darnall Charter School. Nick Felahi, Attorney at

Law, appeared on behalf of San Diego Unified School District, accompanied by Director of Due Process Brian Spry. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## MOTION TO AMEND

On October 10, 2024, Student filed a motion to amend the complaint, attached to which as Exhibit A was the proposed amended complaint. These documents contained an incorrect OAH case number. On October 11, 2024, San Diego filed an opposition to the motion to amend. On October 14, 2024, Darnall filed an opposition to the motion to amend. On October 14, 2024, Student filed an amended motion and an amended Exhibit A, both of which merely corrected the OAH case number and contained no other differences from the originally filed motion and attachment. Oral argument on the motion and oppositions was heard on the record at the PHC. The due process hearing is set to begin on October 22, 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 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. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

New PHC Statements will be filed by all parties prior to the rescheduled PHC, which shall address the amended complaint with the correct case number as it was filed on October 14, 2024.

## 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.

ORDER INCLUDES ALL RULINGS

This order includes all rulings made at the PHC.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings