

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LINDSAY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050650

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

AUGUST 11, 2026

On August 10, 2026, Administrative Law Judge Deborah Myers-Cregar, 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.

Attorneys Daniel Shaw and Lauren Martin appeared on behalf of Student. Attorney Emma Powers appeared on behalf of Lindsay Unified School District, called Lindsay Unified. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTIONS

STUDENT'S MOTION TO AMEND THE DUE PROCESS COMPLAINT

On May 14, 2026, Student filed a Due Process Hearing Request, referred to as a complaint, with OAH naming Lindsay Unified. On August 5, 2026, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Lindsay Unified did not file an opposition. At the August 10, 2026 prehearing conference, Lindsay Unified confirmed on the record it did not oppose the amended complaint. At the August 10, 2026 prehearing conference, Student's counsel withdrew the subpoena of Lindsay Unified's student records, subject to later reissuance.

The amended complaint covers the same witnesses and the same period as the original complaint, during the 2023-2024, 2024-2025, and 2025-2026 school years. It adds several new allegations and removes other allegations that Lindsay Unified denied Student a free appropriate public education, called a FAPE.

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 is the operative complaint and shall be deemed filed on the date of this order. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order with the new dates.

The parties shall be allowed to request a second mediation to include the new allegations.

All previously issued subpoenas shall be reissued based upon new hearing dates.

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 prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings