

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SARATOGA UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026080228

ORDER GRANTING MOTION TO AMEND COMPLAINT
AND VACATING EXPEDITED DUE PROCESS HEARING

AUGUST 21, 2026

On August 5, 2026, Saratoga Union School District, called Saratoga, filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH. On August 13, 2026, Saratoga filed a Motion to Amend the Due Process Hearing Request and an amended complaint and vacate the expedited hearing dates. On August 13, 2026, Student filed a non-opposition to the motion to amend and to vacate the expedited hearing dates.

APPLICABLE LAW

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).)

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006). All subsequent references to the Code of Federal Regulations are to the 2006 version.) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (Ibid.) A matter can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, if the student withdraws the issues in the complaint that triggered the expedited hearing, or if the student elects to challenge the change of placement under title 20, section 1415, subdivision (b)(6)(A) and not subdivision (k). (Molina v. Bd. of Educ. of Los Lunas Schools (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

Saratoga seeks to amend the Motion to Amend and amended complaint. The motion to amend was filed more than five days prior to the due process hearing and OAH has received written consent from Student regarding the amendment. 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.

The amended complaint raises no expedited claims. Accordingly, all hearing dates are vacated. OAH will issue a new scheduling order with only non-expedited dates.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jessica Plitt', with a stylized, cursive script.

Jessica Plitt

Administrative Law Judge

Office of Administrative Hearings