

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090680

ORDER GRANTING MOTION TO AMEND COMPLAINT  
AND DENYING MOTION TO CONSOLIDATE AS MOOT

SEPTEMBER 29, 2026

On September 17, 2026, Del Norte 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. That matter was designated OAH 2026090238. On September 16, 2026, Student filed a response to Del Norte's complaint and also included a separate complaint on Student's behalf naming Del Norte as respondent and a request to consolidate the two matters. The document was filed in OAH 202609238. In response to the filing, OAH opened a new due process complaint with Student naming Del Norte as respondent. That matter was designated OAH 2026090680.

On September 17, 2026, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Having not yet received the scheduling order in Student's case, Student erroneously filed under Del Norte's case. However, that is deemed a ministerial error and the Motion to Amend and first amended complaint were deemed filed in Student's case. Del Norte did not respond to Student's motion.

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. The mediation scheduled for October 8, 2026, in Del Norte's case remains on calendar unless cancelled by a party, and the timeline governing this matter shall not change. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order in Student's case with the new dates.

Prior to filing the Motion to Amend, Student filed a Motion to Consolidate Del Norte's case with Student's case. This Order amends Student's complaint. Therefore, the prior Motion to Consolidate is deemed moot as it sought consolidation of a complaint that is no longer operative. Thus, the Motion to Consolidate is denied without prejudice.

As noted above, Student initially filed multiple motions in a single filing. Specifically, a response to Del Norte's complaint, a new complaint on Student's behalf, and a Motion to Consolidate. Student is on notice that moving forward, separate requests or motions require separate filings. The parties are not to include multiple motions in a single filing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joy Redmon". The script is cursive and fluid.

Joy Redmon

Presiding Administrative Law Judge

Office of Administrative Hearings