

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026030893

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING STUDENT'S MOTION TO AMEND

SEPTEMBER 4, 2026

On September 4, 2026, Administrative Law Judge Cararea Lucier, Office of Administrative Hearings held a video prehearing conference. The Office of Administrative Hearings is called OAH. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Attorney Tania Whiteleather appeared on behalf of Student. Attorney David Mishook appeared on behalf of Mt. Diablo Unified School District, called Mt. Diablo. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO AMEND

On March 19, 2026, Student filed with OAH a request for a due process hearing, naming Mt. Diablo. The due process hearing for this matter is set to begin on September 15, 2026.

On September 2, 2026, Student filed a motion to amend the due process hearing request and an amended complaint. At the PHC, Mt. Diablo did not oppose the 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 presently set hearing dates are vacated. OAH will issue a scheduling order with the new dates.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. 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.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings