BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080524

ORDER GRANTING SECOND MOTION TO AMEND COMPLAINT AND DENYING REQUEST FOR CONTINUANCE AND MOTION TO QUASH SUBPOENA DUCES TECUM AS MOOT

NOVEMBER 22, 2024

On August 12, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Palo Alto Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 16, 2024, OAH granted Student's motion to file a first amended complaint. This matter is currently scheduled for hearing beginning December 3, 2024. On November 18, 2024, Student filed a second motion to amend along with a proposed second amended complaint. Palo Alto has not responded to this 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).)

Student seeks to add facts and alleged denials of a free appropriate public education that are related to the original issues and arose after the filing of the first amended complaint. 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 pending dates are vacated. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

Palo Alto filed a request to continue all dates on November 19, 2024. On that same date Student filed a non-opposition to a continuance but did not agree to the proposed hearing schedule. In light of this Order, the motion to continue is denied as moot.

Similarly, Student's November 19, 2024 motion to quash subpoena duces tecum is denied as moot.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings