BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA COUNTY OFFICE OF EDUCATION, DISCOVERY CHARTER SCHOOL 2, AND SUNNYVALE SCHOOL DISTRICT.

OAH CASE NUMBER 2019090001

ORDER GRANTING MOTION TO AMEND COMPLAINT AND DENYING MOTION TO BIFURCATE DUE PROCESS HEARING

On August 30, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Santa Clara County Office of Education and Discovery Charter School 2. The Office of Administrative Hearings is referred to as OAH. On October 8, 2019, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint adding Sunnyvale School District as a Respondent. Santa Clara and Discovery Charter School 2 filed a non-opposition on October 9, 2019. Student jointly filed a motion to bifurcate the due process hearing.

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. OAH has received written consent to 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. OAH will issue a scheduling order with the new dates.

Student's motion to bifurcate the due process request is denied.

IT IS SO ORDERED.

DocuSigned by:
Tiffany Gilmartin
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DATED: October 11, 2019

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings