BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

COASTAL ACADEMY CHARTER.

OAH CASE NUMBER 2024010945

ORDER DENYING STUDENT'S SECOND MOTION TO AMEND COMPLAINT AND GRANTING THIRD MOTION TO AMEND COMPLAINT AND DISTRICT'S NOTICE OF INSUFFICIENCY AS MOOT

FEBRUARY 26, 2024

On January 30, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Coastal Academy Charter as the Respondent. The Office of Administrative Hearings is referred to as OAH. OAH scheduled the hearing for March 19, 20 and 21, 2024.

On January 31, 2024, Student filed a First Motion to Amend the Due Process Hearing Request and the First Proposed Amended Complaint. This first motion seeks to

name the El Dorado Charter SELPA as a respondent rather than Coastal Academy Charter. SELPA is referred to as Special Education Local Plan Area. No opposition was filed by the Respondent.

On February 6, 2024, the Administrative Law Judge granted Student's First Motion to Amend the Due Process Hearing Request. The Administrative Law Judge is called ALJ. On February 8, 2024, OAH scheduled the due process hearing on March 26, 27 and 28, 2024.

On February 14, 2024, Student filed a Second Motion to Amend the Due Process Hearing Request and a Second Proposed Amended Request for Due Process Hearing, changing the Respondent from El Dorado Charter SELPA to "Castal Academy Charter". On February 16, 2024, Student filed a Third Motion to Amend the Due Process Hearing Request and a Third Proposed Amended Request for Due Process Hearing, correcting a typographical error for the Respondent from "Castal" Academy Charter to "Coastal" Academy Charter.

On February 16, 2024, El Dorado Charter SELPA filed a Notice of Insufficiency regarding Student's Second Proposed Amended Request for 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).)

Since Student filed the Second and Third Due Process Hearing requests that removed El Dorado Charter SELPA as a party, the District's Notice of Insufficiency is now moot.

The Second Motion to Amend the Request for Due Process is denied as moot upon the filing of the Third Motion to Amend the Request for Due Process. Since the Third Motion to Amend the Request for Due Process was filed more than five days prior to the due process hearing, it is timely and is granted. The Third 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.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Feb 26, 2024 14:07 PST)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings