BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

COMMUNITY ROOTS ACADEMY,

OAH CASE NUMBER 2020100158

and

COMMUNITY ROOTS ACADEMY,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020090033

ORDER GRANTING COMMUNITY ROOTS ACADEMY'S MOTION TO AMEND COMPLAINT

NOVEMBER 5, 2020

On September 1, 2020, Community Roots Academy, called Charter, filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Parent on Student's behalf. On October 2, 2020, Student filed a complaint with OAH, naming Charter. OAH consolidated the two cases on October 9, 2020, and designated Student's case as primary.

On October 29, 2020, Charter filed a Motion to Amend its Due Process Hearing Request and an amended complaint. OAH did not receive an opposition from Student.

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).)

Charter's motion to amend was filed more than five days prior to the due process hearing. Therefore, the motion is timely and is granted.

Charter's amended complaint shall be deemed filed on the date of this order. All dates set in the consolidated cases are vacated. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with new hearing dates. Charter's case shall be primary effective the date of this Order.

The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Charter's amended complaint, OAH Case Number 2020090033.

IT IS SO ORDERED.

Adrienne L. Krikorian

Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings