BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CHARTER OAK UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020100198

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 17, 2020

On October 7, 2020, Parent on behalf of Student, filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Charter Oak Unified School District. The Office of Administrative Hearings is referred to as OAH.

On November 12, 2020, Student filed an amended complaint which will also be interpreted as a motion to amend the complaint. On November 13, 2020, Charter Oak Unified School District filed a notice of non-opposition to Student's motion to amend the complaint.

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).)

Here, OAH received written consent to the amended complaint. Additionally, the motion to amend was filed more than five days prior to the due process hearing. Therefore, Student's motion to amend the complaint 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.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings