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 STUDENT'S MOTION TO AMEND COMPLAINT

FEBRUARY 18, 2021

On September 1, 2020, Community Roots Academy filed a Due Process Hearing Request, Community Roots' Case, with the Office of Administrative Hearings, naming Student. A Due Process Hearing Request is referred to as a complaint.

On September 10, 2020, OAH granted the parties' joint request for mediation and continued the hearing.

On October 2, 2020, Parents on behalf of Student filed a complaint, Student's Case, naming Community Roots.

On October 9, 2020, OAH consolidated Community Root's Case and Student's Case, designating Student's Case as the primary case. The consolidated matters were to proceed on the dates in Student's Case.

On November 5, 2020, OAH granted Community Roots' motion to amend its complaint. The amended complaint was deemed filed on November 5, 2020. OAH designated Community Roots' Case as the primary case, and ordered the consolidated matters to proceed on the dates in Community Root's Case based on the filing of Community Roots' amended complaint.

On November 12, 2020, OAH granted the parties' joint request for a second mediation and continued the hearing on the consolidated matters.

On February 12, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. Community Roots filed a non-opposition on February 18, 2021, requesting the consolidated matters proceed on the dates on Student's amended complaint and that any subpoenas issued related to the hearing dates of March 2, 3, and 4, 2021, be deemed withdrawn.

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

Student's Case shall be designated as the primary case 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 Student's amended complaint, OAH case number 2020100158.

No further amendments to either complaints shall be granted. In addition, no further continuance shall be granted absent exceptional circumstances established by declaration.

Furthermore, subpoenas issued for production of testimony or records for the vacated hearing dates of March 2, 3, and 4, 2021, are quashed, and will need to be reissued with the new hearing dates.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings