

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

EMPIRE SPRINGS CHARTER SCHOOL,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2018100555

ORDER FOLLOWING MARCH 8, 2019
PREHEARING CONFERENCE;
ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 8, 2019, a telephonic prehearing conference was held before Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings. Jim Sanft, Attorney at Law, appeared on behalf of Empire Springs Charter School. Mother and Father appeared on behalf of Student. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

Amended Complaint

On October 11, 2018, Empire Springs filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Student. On March 5, 2019, Empire Springs filed a Motion to Amend the Due Process Hearing Request (amended complaint). At the PHC, Parents raised an objection as to the merits of the new issue raised in the amended complaint, but offered no argument against the motion to amend the complaint to add the new issue for hearing.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to 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 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.

Hearing Location

The named local educational agency shall provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code,

§ 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. As ordered by OAH, Empire Springs had secured a hearing location reasonably convenient to Student in Rancho Cucamonga, CA, and has certified that the facilities at the West End Education Service Center San Bernardino County Superintendent of Schools, located at 8265 Aspen Avenue, Rancho Cucamonga, CA 91730, comply with the law.

However, Empire Springs is uncertain whether the West End location is available for new hearing dates on the amended complaint. Therefore, Empire Springs shall notify OAH and Parents if the West End facility becomes unavailable for hearing and to identify and secure a new location for hearing in Rancho Cucamonga, CA no later than **5:00 p.m. on March 22, 2019.**

IT IS SO ORDERED.

DATE: March 8, 2019

DocuSigned by:

Rommel P. Cruz
ROMMEL P. CRUZ

2ABEBDA0DF98475
Administrative Law Judge
Office of Administrative Hearings