

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CALIFORNIA CONNECTIONS ACADEMY.

OAH CASE NUMBER 2021080880

ORDER DENYING MOTION TO FILE THIRD

AMENDED COMPLAINT

NOVEMBER 09, 2021

On August 30, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming California Connections Academy. The Office of Administrative Hearings is referred to as OAH. On October 13, 2021, OAH granted Student's motion to amend complaint. On October 13, 2021, California Connections filed a notice of insufficiency.

On October 15, 2021, OAH issued an Order determining that Issues Two, Three, and Four of Student's first amended complaint were insufficiently pled. OAH found Issue One to be sufficient. Student was given 14 days to file an amended pleading

regarding the insufficiently pled issues. Otherwise, the matter would go to hearing on Issue One, only.

On October 29, 2021, Student submitted a second amended complaint. Student left Issue One as previously pled, amended Issue Two, and removed Issues Three and Four. On November 1, 2021, OAH issued an Order finding that Student had timely submitted the second amended complaint and that the second amended complaint was deemed filed. On November 3, 2021, California filed a Notice of Insufficiency. On November 8, 2021, OAH issued an Order finding Student's second amended complaint to be sufficient.

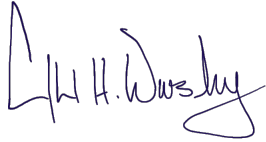
On November 3, 2021, Student filed a third amended complaint, which OAH views as a request to amend. To date, no opposition has been received from California Connections.

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, Student's proposed third amended complaint merely adds a few words to Issue One. These changes do not sufficiently alter Student's statement of Issue One to warrant the filing of another amended complaint and another continuance of the due process hearing. Issue One was previously determined to be sufficient, Student's second amended complaint did not change Issue One, and the proposed changes do not add

or detract from Issue One. Therefore, Student's motion to file a third amended complaint is denied.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings