

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FEATHER RIVER CHARTER SCHOOL.
OAH CASE NUMBER 2021090794

ORDER GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 17, 2021

On September 24, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Feather River Charter School as respondent. On November 16, 2021, Student filed an amended Due Process Hearing Request without an accompanying motion to amend. Later in the day, on November 16, 2021, Student filed a motion to amend his complaint with an amended complaint. On November 17, 2021, Feather River filed a notice that it did not oppose Student's motion to amend.

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 subsequently filed motion to amend and amended complaint supercedes the earlier filed amended complaint. The motion to amend and its accompanying amended complaint were filed more than five days prior to the due process hearing; therefore, the request to amend is timely. Student's motion to amend is also unopposed. The motion to amend 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. All previously scheduled dates in this matter are hereby vacated. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings