

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

RIVER SPRINGS CHARTER SCHOOL .
OAH CASE NUMBER 2021110363

ORDER GRANTING MOTION TO AMEND COMPLAINT

DECEMBER 07, 2021

On November 12, 2021, Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming River Springs Charter School, but alleging Issue 1 against Riverside Unified School District. On November 24, 2021, River Springs filed a notice of insufficiency as to Student's complaint, and on November 29, 2021, OAH issued an Order finding that only Issue 2 of Student's complaint was alleged against River Springs.

On December 1, 2021, Student filed a document identified as a corrected complaint alleging two, rather than one, claim against River Springs. The corrected complaint will be treated as a motion to amend and will be referred to as the amended complaint.

On December 6, 2021, River Springs filed a letter requesting that the amended complaint be treated as a motion to amend. River Springs indicated that it was unlikely to oppose a 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).)

The motion to amend was filed more than five days prior to the due process hearing. Therefore, it 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.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings