

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

CRESCENT VIEW WEST PUBLIC CHARTER SCHOOL,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022010284

ORDER GRANTING MOTION TO AMEND COMPLAINT

JANUARY 27, 2022

On January 12, 2022, Crescent View West Public Charter School filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Parent on behalf of Student. The Office of Administrative Hearings is referred to as OAH. On January 26, 2022, Crescent View filed a Motion to Amend the Due Process Hearing Request and an amended complaint. No opposition was received from Student.

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. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).) OAH will issue a scheduling order with the new dates. As a result of this order, Student's January 25, 2022 Request for Continuance is moot.

IT IS SO ORDERED.

Paul H. Kamoroff
Paul H. Kamoroff (Jan 27, 2022 15:37 PST)

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings