

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FEATHER RIVER CHARTER SCHOOL AND COTTONWOOD
CHARTER SCHOOL.

OAH CASE NUMBER 2022020484

ORDER DENYING MOTION TO AMEND COMPLAINT AS
MOOT AND GRANTING MOTION TO AMEND FIRST
AMENDED COMPLAINT ADDING COTTONWOOD
CHARTER SCHOOL

FEBRUARY 28, 2022

On February 14, 2022, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Feather River Charter School.

On February 22, Student filed a motion to amend the complaint and a first amended complaint to add Cottonwood Charter School as a party. The same day,

Student filed a motion to amend the first amended complaint and a second amended complaint to add Cottonwood Charter School and to change the school years that the individual respondents were allegedly responsible for Student's free appropriate public education. On February 23, 2022, Feather River Charter School filed non-opposition to Student's motion to amend the complaint.

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).)

Both Student's motions to amend were filed more than five days prior to the due process hearing. Accordingly, Student's requests were timely. Student's initial motion to amend is denied as moot as it was superseded by Student's Motion to Amend Student's First Amended Complaint. Student's motion to amend the first amended complaint is granted. However, the complaint will be deemed a First Amended

Complaint. 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.

A handwritten signature in black ink that reads "Cynthia Fritz". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings