

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CITIZENS OF THE WORLD CHARTER SCHOOL AND LOS ANGELES
UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080485

ORDER GRANTING MOTION TO AMEND COMPLAINT
DENYING MOTION TO CONTINUE AND SCHEDULE
MEDIATION AS MOOT, AND DENYING REQUEST TO
RESCHEDULE PREHEARING CONFERENCE TIME AS MOOT

SEPTEMBER 20, 2024

On August 12, 2024, Parents on behalf of Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Citizens of the World Charter School as respondent. On September 13, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint, in part to name Los Angeles Unified School District as an additional party.

OAH received no opposition to the motion to amend from either Citizens of the World or Los Angeles.

MOTION TO AMEND COMPLAINT GRANTED

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); (34 C.F.R. § 300.508 (d)(4); Ed. Code, § 56502, subd. (e).)

In this case, the motion to amend was filed sufficiently in advance of the hearing for the Administrative Law Judge to rule at least five days prior to the due process hearing. Therefore, it is timely. The motion is unopposed and is granted. The timelines will be reset, and a new scheduling order will be issued.

REQUESTS FOR MEDIATION AND CONTINUANCE DENIED AS MOOT

On September 17, 2024, the parties jointly filed a request for mediation and a continuance of the hearing dates scheduled following the originally filed complaint. As this motion was made based on the hearing schedule pertaining to the previously filed complaint, the request is moot. The parties may refile the request following the issuance of the scheduling order to reset dates due to the amended complaint filing.

REQUEST TO RESCHEDULE PREHEARING CONFERENCE DENIED AS MOOT

On Friday, September 20, 2024, the parties jointly submitted a form request to continue the case asking to have the time for the prehearing conference changed from 10:00 AM to 1:00 PM. As the prehearing conference has been vacated, this request is also denied as moot.

ORDER

1. Student's motion to amend the complaint is granted.
2. The amended complaint shall be deemed filed on the date of this order.
3. All currently scheduled dates are vacated.
4. All applicable timelines shall be reset as of the date of this order.
5. The parties' joint request to schedule mediation and continue the originally scheduled hearing dates is denied as moot.
6. Nothing in this order prevents the parties from refiling the requests for mediation or for continuance to allow for the mediation following the issuance of the new scheduling order.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings