BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ORANGE COUNTY ACADEMY OF SCIENCES AND ARTS, EL DORADO COUNTY CHARTER SELPA, AND EL DORADO COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2026051110

ORDER GRANTING REQUEST FOR RECONSIDERATION, CONFIRMING ORDER GRANTING MOTION TO AMEND, AND CONFIRMING NO ACTION ON NOTICE OF INSUFFICIENCY

JUNE 30, 2026

On June 24, 206, the undersigned Administrative Law Judge, called an ALJ, issued an order granting Student's motion to amend and deeming her second amended complaint filed.

On June 25, 2026, Orange County Academy of Sciences and Arts and El Dorado County Charter Special Education Local Plan Area, called a SELPA, filed a motion for reconsideration.

The Office of Administrative Hearings, called OAH, did not receive a response from Student.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Orange County Academy and El Dorado County Charter SELPA offer new facts, circumstances or law to support reconsideration. Specifically, Orange County Academy and El Dorado County Charter SELPA assert that they were not served with a copy of Student's second amended complaint, which prevented them from having the opportunity to oppose Student's motion. Orange County Academy and El Dorado County Charter SELPA also assert that OAH "overlooked" a Notice of Insufficiency filed on June 22, 2026, which was pending when OAH granted Student's motion to amend.

Accordingly, the motion for reconsideration is granted. The undersigned ALJ addresses Orange County Academy and El Dorado County Charter SELPA's points below.

RECONSIDERATION

On reconsideration, Orange County Academy and El Dorado County Charter SELPA argue that OAH granted Student's motion to amend without reasonable opportunity to respond and without Student serving the respondents. Orange County Academy and El Dorado County Charter SELPA also argue that OAH "overlooked" their pending Notice of Insufficiency, filed on June 22, 2026. As explained below, these arguments are not persuasive.

ORDER GRANTING MOTION TO AMEND IS CONFIRMED

As explained in OAH's June 24, 2026, Order, 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. (20 U.S.C. §1415(c)(2)(E)(i)(I).) The hearing officer may also grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)

Orange County Academy and El Dorado County Charter SELPA argue that OAH interpreted their lack of response to Student's motion to amend as acquiescence to the motion. OAH did no such thing. Rather, OAH noted the lack of response and exercised its discretion to grant the motion to amend irrespective of the respondents' consent, which was not required. (20 U.S.C. §1415(c)(2)(E)(i)(II).) While OAH generally may allow a responding party three business days to respond to a motion to amend, that time may be adjusted at OAH's discretion. That is particularly true where, as here, the original complaint had only recently been filed, and Student timely requested the amendment.

Orange County Academy and El Dorado County Charter SELPA also argue that Student did not serve them with a copy of Student's second amended complaint. This argument is supported by a sworn declaration by the respondents' counsel.

However, Student's second amended complaint included a sworn proof of service by Student's counsel, which reflected email service on both members of respondents' counsel team, as well as the Executive Director of Orange County Academy, El Dorado County Charter SELPA's assistant superintendent, and an individual from the El Dorado County Office of Education. Based on the record presently before OAH, Student properly served the respondents. Nevertheless, this Order will require Student to serve another courtesy copy of the second amended complaint on the respondents.

Orange County Academy and El Dorado County Charter SELPA failed to establish grounds to overturn OAH's June 24, 2026, Order Granting Motion to Amend Complaint. Accordingly, OAH's June 24, 2026, Order is confirmed.

NOTICE OF NO ACTION IS CONFIRMED

In granting Student's motion to amend, OAH did not "overlook" Orange County Academy and El Dorado County Charter SELPA's June 22, 2026, Notice of Insufficiency. On June 25, 2026, around the time Orange County Academy and El Dorado County Charter SELPA filed their Request for Reconsideration, OAH issued a Notice of No Action regarding the June 22, 2026, Notice of Insufficiency.

As explained in the Notice of No Action, Orange County Academy of Sciences and Art and the El Dorado County Charter SELPA's Notice of Insufficiency addressed Student's now non-operative first amended complaint. Accordingly, the June 22, 2026, Notice of Insufficiency was moot, and OAH took no action on it.

OAH also reminded the parties that the Notice of No Action did not preclude respondents Orange County Academy of Sciences and Art, and the El Dorado County Charter SELPA from filing a Notice of Insufficiency regarding Student's second amended complaint.

Once OAH deemed Student's second amended complaint operative, Student's first amended complaint had no legal effect on the matter. (*Royal Canin U.S.A., Inc. v. Wullschleger* (2025) 604 U.S. 22, 35 [145 S.Ct. 41, 220 L.Ed.2d 189] (*Royal Canin*) ["If a plaintiff amends her complaint, the new pleading 'supersedes' the old one: The 'original pleading no longer performs any function in the case.'" (internal citations omitted)].) Orange County Academy and El Dorado County Charter SELPA did not provide any authority to support its argument that OAH must adjudicate a Notice of Insufficiency that pertains to a non-operative complaint.

Orange County Academy and El Dorado County Charter SELPA were not prejudiced by OAH not ruling on their moot Notice of Insufficiency. Even assuming Orange County Academy and El Dorado County Charter SELPA were correct that Student's first amended complaint was not sufficiently pled, their relief would be an order vacating the hearing dates, such that Student could not proceed on the insufficiently pled first amended complaint. (20 U.S.C. § 1415(b) & (c).) With Student's filing of the second amended complaint, Student cannot proceed to hearing on the non-operative first amended complaint. (*Royal Canin, supra*, 604 U.S. at p. 35.)

Moreover, OAH generally allows a party whose complaint is deemed insufficient to file an amended complaint without seeking additional leave to do so. Assuming again Student's first amended complaint was insufficient, Student would have been allowed to file her second amended complaint without the respondents having any further opportunity to object.

In short, the parties are in the same position they would have been in even if OAH had agreed with Orange County Academy and El Dorado County Charter SELPA's Notice of Insufficiency. The only difference is that Orange County Academy and El Dorado County Charter SELPA may have received a favorable ruling. But a desire for a favorable ruling alone is not sufficient to overcome the determination that the June 22, 2026, Notice of Insufficiency was moot. Accordingly, OAH's June 25, 2026, Notice of No Action is confirmed.

ORDER

1. Orange County Academy and El Dorado County Charter SELPA's request for reconsideration is granted.
2. On reconsideration, OAH's June 24, 2026, Order Granting Motion to Amend Complaint is confirmed.
3. On reconsideration, OAH's June 25, 2026, Notice of No Action regarding the June 22, 2026, Notice of Insufficiency is confirmed.
4. Student shall provide all respondents and their counsel with another courtesy copy of Student's second amended complaint within one business day of this Order.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings