

SBEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TAMALPAIS UNION HIGH SCHOOL DISTRICT; CALIFORNIA VIRTUAL ACADEMY OF SONOMA; LIBERTY SCHOOL DISTRICT; CALIFORNIA VIRTUAL ACADEMIES, A CALIFORNIA CHARTER SCHOOL IN SIMI VALLEY, CALIFORNIA, AND DOE SCHOOL DISTRICTS 1-V.

OAH Case No. 2014090183

ORDER GRANTING MOTION TO AMEND COMPLAINT

On September 2, 2014, Student filed a due process hearing request (complaint) with the Office of Administrative Hearings, naming Mill Valley Elementary School District (Mill Valley) and Tamalpais Union High School District (Tamalpais). On December 19, 2014, Student filed a motion to amend the complaint, and submitted the proposed amended complaint to OAH. The amended complaint eliminates Mill Valley from the case; adds California Virtual Academy of Sonoma (Sonoma), a charter school; Liberty School District which has chartered Sonoma; and “California Virtual Academies . . . a CA Charter School in Simi Valley, California,” which is the parent entity for Sonoma Academy.¹ In its motion Student notes that Tamalpais does not oppose the motion to amend the complaint.

APPLICABLE LAW

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C.

¹ Doe school districts are also included as potential parties in the event that another school district chartered Sonoma or the parent entity for Sonoma.

§1415(c)(2)(E)(i.)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

DISCUSSION AND ORDER

The motion to amend 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 and a new caption reflecting the change in named parties.

IT IS SO ORDERED.

DATE: December 29, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

² All statutory citations are to Title 20 United States Code unless otherwise indicated.