

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CALIFORNIA VIRTUAL ACADEMIES.

OAH Case No. 2015090988

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 23, 2015, Parent on behalf of Student filed a Due Process Hearing Request (complaint), naming California Virtual Academies. On October 19, 2015, Student filed a “Motion to Present Additional Evidence, and Motion to Add Additional Complaints with Good Cause Showing.” Student’s Motions qualify as a Motion to Amend the Due Process Hearing Request. (amended complaint). No opposition was received from California Virtual Academies.

APPLICABLE LAW AND DISCUSSION

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. §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 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.

IT IS SO ORDERED.

DATE: October 29, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings