

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 DENYING MOTION TO  
DISMISS WITHOUT PREJUDICE

On September 23, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings naming California Virtual Academies at Los Angeles as the respondent. On November 4, 2015, Student filed an amended complaint.<sup>1</sup> On November 16, 2015, CAVA filed a Notice of Insufficiency. On November 20, 2015, OAH found that the amended complaint that was filed on November 4, 2015, was insufficient, permitting Student to file a second amended complaint within 14 days, and ordering that if Student fails to file a timely second amended complaint, the amended complaint will be dismissed and the matter will be closed.

On November 25, 2015, CAVA filed a Motion to Dismiss, arguing that the original complaint filed September 23, 2015 had been resolved by a Settlement Agreement that the parties had entered into on November 17, 2015.

CAVA's Motion is denied without prejudice. CAVA's Motion addresses the original complaint, which is no longer operative as it has been superseded, and then determined insufficient. The denial is without prejudice. If and when Student files a second amended complaint, and depending on the allegations stated therein, CAVA may re-file.

IT IS SO ORDERED.

DATE: December 03, 2015

/s/

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JUNE R. LEHRMAN  
Presiding Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> On November 6, 2015, OAH issued an Order Regarding Ambiguous Filing that clarified that the case is proceeding only as to the one issue raised in the amended complaint filed on November 4, 2015.

