BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MILL VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2025040955

ORDER RESETTING APPLICABLE TIMELINES BASED ON THE AMENDED COMPLAINT; ORDER DENYING REQUEST TO CONSOLIDATE INITIAL COMPLAINT WITH AMENDED COMPLAINT; NOTICE OF NO ACTION ON MILL VALLEY UNIFIED'S NOTICE OF INSUFFICIENCY FILED MAY 13, 2025

MAY 14, 2025

On May 7, 2025, Parents on behalf of Student filed with the Office of Administrative Hearings, called OAH, a 32-page document dated April 21, 2025, describing problems and listing issues. OAH considered the 32-page document as an amended due process hearing request, called an amended complaint, filed by Student in response to OAH's April 29, 2025, Order Determining Due Process Complaint Partially

Sufficient, referred to as the April 29, 2025, Order. The April 29, 2025, Order granted Student leave to file an amended complaint within 14 days of the Order. OAH issued a new scheduling order on May 7, 2025, with new prehearing conference and due process hearing dates. On May 13, 2025, Mill Valley Unified School District filed a Notice of Insufficiency as to what OAH considered as an amended complaint.

On May 13, 2025, following Mill Valley Unified's Notice of Insufficiency, Student filed with OAH an Amended Due Process Complaint, referred to as the May 13, 2025 Amended Complaint. The May 13, 2025 Amended Complaint clarified that the May 13, 2025 Amended Complaint was an amendment of the initial complaint filed on April 21, 2025, and was filed by Student in response to the April 29, 2025 Order. Accordingly, the filing of the May 13, 2025 Amended Complaint resets the applicable timelines for due process hearing. OAH will issue a new scheduling order with new dates.

On May 14, 2025, Student filed a Notice of Consolidated Complaint Record requesting the initial complaint filed on April 21, 2025, and the May 13, 2025 Amended Complaint be deemed one complaint. The April 29, 2025 Order instructed Student to list all issues to be decided at hearing within the body of the complaint. Further, an amended complaint replaces any prior filed complaint and is not in addition to an earlier filed complaint. Therefore, Student's request to consolidate the April 21, 2025 initial complaint with the May 13, 2025 Amended Complaint is denied. This matter will proceed only as to the May 13, 2025 Amended Complaint.

As a result, Mill Valley Unified will have 15 days from May 13, 2025, to file a Notice of Insufficiency as to the May 13, 2025 Amended Complaint. Therefore, OAH will take no action on Mill Valley Unified's Notice of Insufficiency filed on May 13, 2025.

ORDER

1. The May 13, 2025 Amended Complaint will reset the applicable timelines for a due process hearing. OAH will issue a schedule order with new dates.
2. Student's request to consolidate the initial complaint filed on April 21, 2025, with the May 13, 2025 Amended Complaint is denied.
3. OAH will take no action on Mill Valley Unified's Notice of Insufficiency filed May 13, 2025.
4. Mill Valley Unified will have 15 days from May 13, 2025, to file a Notice of Insufficiency as to the May 13, 2025 Amended Complaint.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings