

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TAMALPAIS UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014090296

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND

This matter is currently set for hearing beginning on January 20, 2015. On January 5, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Margaret M. Broussard, Office of Administrative Hearings. Michael Zatopa, Attorney at Law, appeared on behalf of Student. Jan Tomskey, Attorney at Law, appeared on behalf of the Tamalpais Union High School District. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following orders:

1. Motion to Amend: On September 3, 2014, Student filed a Due Process Hearing Request, naming Tamalpais. On January 5, 2015, Student filed a Motion to Amend the Due Process Hearing Request (Complaint) and a proposed amended complaint. The motion to amend the complaint was discussed and ruled on during the PHC on January 5, 2015. Tamalpais did not oppose the motion to amend.

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 was timely and was 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. The Office of Administrative Hearings will issue a scheduling order with the new dates.

2. Notice to Witnesses: The parties shall immediately notify all potential witnesses of the hearing dates when rescheduled, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify.

3. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the next PHC.

4. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal with the signature page of the signed agreement has been received by OAH. In the event a settlement agreement is executed subject to board approval, the parties may request to continue the hearing and set a telephonic status conference call following the date anticipated for board approval. The parties should otherwise plan to attend the scheduled PHC and the hearing unless different arrangements have been agreed upon by the assigned ALJ or ordered by OAH.

IT IS SO ORDERED.

DATE: January 6, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings