

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. 2015030816

ORDER STRIKING STUDENT'S
OBJECTIONS TO THE RESPONSE OF
CALIFORNIA VIRTUAL ACADEMIES
TO THE COMPLAINT

On March 23, 2015, California Virtual Academies (Charter School) timely filed its response to Student's request for due process hearing (Complaint). On March 27, 2015, Student filed a Notice of Objections to Charter School's response to the Complaint. The Notice of Objections addresses the merits of the case and offers arguments and evidence in support of the Complaint.

APPLICABLE LAW

The Individuals with Disabilities Education Act, Section 1415(c)(2)(B)(ii), and California Education Code section 56502, subdivision (d)(2) require the opposing party to send a response to a complaint to the filing party within 10 days after its receipt of the complaint.

DISCUSSION

While the IDEA and Education Code section 56502 impose an obligation upon the Charter School to file a response after a student files a complaint, neither of these statutes allow Student to file any response to Charter School's timely response, or grant OAH any authority to consider Student's Notice of Objections.

Student has provided no legal authority to support the filing of a Notice of Objections. Consequently, Student's Notice of Objections shall be stricken.

IT IS SO ORDERED.

DATE: March 27, 2015

/s/

ELSA H. JONES

Acting Presiding Administrative Law Judge
Office of Administrative Hearings