BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110680

OAH CASE NUMBER 2024080387

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING JOINT REQUEST FOR RECONSIDERATION; ORDER GRANTING STUDENT'S MOTION TO AMEND COMPLAINT

FEBRUARY 24, 2025

On February 21, 2025, Administrative Law Judge Jennifer Kelly, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Madeline Knutson appeared on behalf of Student. Attorney Seth Schwartz appeared on behalf of Saddleback Valley Unified School District, called Saddleback Valley. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

REQUEST FOR RECONSIDERATION

On February 20, 2025, the undersigned ALJ issued an order denying Student's motion to amend the complaint. The undersigned ALJ denied Student's motion to amend on the grounds OAH previously issued two prior continuances in this consolidated matter and amendment of the complaint would further delay resolution of this dispute. At the PHC, the parties requested the ALJ reconsider the order on the grounds they wish to participate in mediation and to resolve all outstanding disputes between the parties in one proceeding.

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period, generally within 10 days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

The parties established new facts or circumstances justifying reconsideration. The parties established that Student's individualized education program, called IEP, team met on January 14, 2025, and February 5, 2025, to develop Student's educational program. Student seeks to challenge the offer of a free appropriate public education

made in the January 14, 2025, and February 5, 2025, IEPs. As the parties offered new facts, the motion for reconsideration is granted.

MOTION TO AMEND COMPLAINT

Student's motion to amend the complaint was discussed at the PHC. The parties established they wish to resolve all disputes regarding Student's educational program in one proceeding. The due process hearing is scheduled to being March 4, 2025.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before 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 filed more than five days prior to the due process hearing. Further, Saddleback Valley does not oppose the motion to amend. Therefore, Student's motion 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.

ORDER INCLUDES ALL RULINGS

This order includes all rulings made at the PHC.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings