BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024101050

OAH CASE NUMBER 2024070165

ORDER GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 13, 2025

On July 5, 2024, Saddleback Valley Unified School District filed a Due Process Hearing Request, referred to as Saddleback's case, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH. On October 29, 2024, Student filed a due process complaint with OAH, naming Saddleback, referred to as Student's case. On October 30, 2024, OAH consolidated Saddleback's case with Student's case, and designated Student's case as primary. On December 4, 2024, OAH granted the parties' joint request for mediation and continuance, and scheduled the hearing on February 25, 26, and 27, 2025.

On February 12, 2025, Student filed a Motion to Amend Student's Due Process Hearing Request and an amended complaint. On February 13, 2025, Saddleback filed a non-opposition.

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).)

Student's motion to amend was filed more than five days prior to the due process hearing and OAH has received written consent to the amendment. Therefore, it is timely and 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. Although the motion to amend is granted, because Saddleback's case has been pending since July 2024, the parties are on notice that no continuances will be granted absent extremely rare circumstances. Furthermore, any request for mediation will only be considered if the requested mediation date is prior to the scheduled prehearing conference.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings