

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 2021090374

OAH CASE NUMBER 2021070197

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

JANUARY 26, 2022

On July 7, 2021, Saddleback Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021070197, Saddleback Valley's Case, naming Student.

On September 10, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021090374, Student's Case, naming Saddleback Valley.

On September 20, 2021, Saddleback Valley filed a Motion to Consolidate the cases. On September 22, 2021, OAH granted the Motion to Consolidate, and

designated OAH case number 2021090374 as the primary case in the consolidated matter.

On January 25, 2022, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint for OAH case number 2021090374.

On January 26, 2022, Saddleback Valley filed a statement of non-opposition.

MOTION TO AMEND

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, 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, the previously determined primary case designation remains, and the decision timeline governed by amended complaint in OAH case number 2021090374.

OAH will issue a scheduling order with the new dates. Due to the age of both matters in this consolidated case, OAH will only grant a continuance of the new dates upon a showing of exceptionally good cause. The parties are encouraged to request a

mediation date as soon as possible, and for a date that affords time for resolution prior to the prehearing conference and due process hearing dates in the scheduling order, as this consolidated matter takes precedence over any case filed after July 7, 2021.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings