

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2010090212

v.

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT,

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SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT,

OAH CASE NO. 2010100932

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On September 2, 2010, Student filed a request for a due process hearing (complaint), naming the Saddleback Valley Unified School District (District). The District filed a complaint on October 18, 2010, naming Student as the respondent. On November 11, 2010, the Office of Administrative Hearings granted the parties' joint request to consolidate the two cases, setting timelines in the consolidated cases based upon Student's filing.

On December 20, 2010, Student filed a motion to amend her complaint. The amended complaint seeks to add allegations and a proposed resolution concerning Student's discharge from a residential treatment center in the State of Utah and subsequent placement by her parent at a private school. The District has not filed an opposition or otherwise responded to Student's 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)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order and shall continue to be consolidated with the District's complaint. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates for hearing in this consolidated matter.

IT IS SO ORDERED.

Dated: December 29, 2010

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings