

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS on behalf of STUDENT,

OAH CASE NO. 2008100702

vs.

SYLVAN UNION SCHOOL DISTRICT,
STANISLAUS COUNTY SPECIAL
EDUCATION LOCAL PLAN AREA, AND
STANISLAUS COUNTY OFFICE OF
EDUCATION.

SYLVAN UNION SCHOOL DISTRICT

OAH CASE NO. 2008110371

vs.

PARENTS on behalf of STUDENT.

ORDER DENYING REQUEST FOR
RECONSIDERATION

On January 30, 2009, the undersigned administrative law judge (ALJ) conducted a prehearing conference (PHC). On February 3, 2009, the ALJ issued an Order Following Prehearing Conference. During the course of the PHC, the issues were defined for the hearing, and they were refined in the order that was issued on February 3, 2009. On February 4, 2009, Student filed a request for reconsideration of rulings denying Student's request to add issues that were not defined as such in the complaint.¹ Sylvan Unified School District, the Stanislaus County Office of Education, and the Stanislaus Special Education Local Area Plan have filed opposition to the request for reconsideration.

APPLICABLE LAW

The Office of Administrative Hearings 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 of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to

¹ Student also moved to file an amended complaint if reconsideration is not granted. That motion will be ruled upon in a separate order.

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.

DISCUSSION AND ORDER

Student's issues, labeled as "Contentions" in his First Amended Complaint (complaint), were used as the basis for determining the issues to be heard. In several instances, the wording of an issue was changed to conform to the Individuals with Disabilities Education Act (IDEA), and California's implementing statutes. (20 U.S.C. § 1400 et seq.; Ed. Code § 56000 et seq.) In his PHC statement, and during the PHC, Student attempted to raise additional issues that were not part of the "Contentions" section in the complaint. These new issues were based on allegations contained in the sections of the complaint titled "Factual Allegations," for each of the school years in question. Upon review, the ALJ determined that these allegations could not be construed as additional issues.

Student alleges no new or different circumstances, facts or law in support of his request for reconsideration. A request for reconsideration cannot be granted unless a party can demonstrate new or different circumstances, facts, or law to support the request. Accordingly, the request for reconsideration is denied.

It is so ordered.

Dated: February 13, 2009

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings