

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

BURBANK UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2009040217

ORDER GRANTING REQUEST FOR  
RECONSIDERATION

On April 3, 2009, Parent filed a Due Process Hearing Request (complaint) on behalf of Student, naming the Burbank Unified School District (District). On April 9, 2009, the District filed a Notice of Insufficiency (NOI) as to Student's complaint. The Office of Administrative Hearings (OAH) granted the District's NOI on April 13, 2009, and granted Student 14 days to file an amended complaint or OAH would dismiss the case.

On April 16, 2009, Student filed a request for extension of time to file the amended complaint. Student sought a two-month extension due to his mother's medical issues. The District did not submit a response. OAH granted the request in part by giving Student until May 15, 2009, to file the amended complaint.

On April 27, 2009, Student filed a request for reconsideration for a two-month extension of time to file the amended complaint. The District did not submit a response.

APPLICABLE LAW

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 of time. (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.)

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

## DISCUSSION AND ORDER

Student alleges new facts in support of the request reconsideration by including a doctor's note that states Student's mother is not able to work until June 14, 2009, because she is recovering from surgery. On reconsideration, Student establishes good cause for a two-month extension to file the amended complaint due to his mother's recovery from surgery.

Accordingly, Students request for reconsideration is granted, and the amended complaint is due to OAH and the District by June 22, 2009.

Dated: May 4, 2009

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings