BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS on behalf of STUDENT, v. MORGAN HILL UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2009061085 ORDER DENYING REQUEST FOR CLARIFICATION

On June 22, 2009, Parents, on behalf of Student, filed a Due Process Hearing Request (complaint) against the Morgan Hill Unified School District (District). On July 2, 2009, attorney Tracy L. Tibbals, on behalf of the District, filed a Notice of Insufficiency (NOI) as to Student's complaint. On July 3, 2009, the undersigned administrative law judge issued an order finding that Student's complaint was sufficient. On July 13, 2009, the District filed a motion for clarification of the Order. Student has not filed a response to the District's motion.

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, § 1521; 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.)

DISCUSSION AND ORDER

The District seeks clarification whether the July 13, 2009 Order limited Student's complaint to one issue. The July 13, 2009 Order is clear that a fair reading of Student's complaint, including the proposed resolution, establishes that the only issue for hearing is whether the District's April 20, 2008 individualized educational program (IEP), as amended on June 2, 2008, provided Student with a FAPE. If Student wishes to include additional issues for hearing, Student may file a motion to amend the complaint. (20 U.S.C.

§ 1415(c)(2)(E)(i).)[1] Therefore, the July 3, 2009 Order sufficiently explains the sole issue for hearing.

Accordingly, the District's motion for clarification is denied.

It is so ordered.

Dated: July 28, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

[1] The filing of an amended complaint will restart the applicable timelines for a due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)