

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

HOLLISTER SCHOOL DISTRICT.

OAH CASE NO. 2009040707

ORDER DENYING REQUEST FOR
RECONSIDERATION

On May 5, 2009, the undersigned administrative law judge issued an order finding that Student's complaint was insufficient and granting Student 14 days to file an amended complaint. On May 13, 2009, Student filed a request for reconsideration. On May 14, 2009, the District filed an opposition to Student's request.

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 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 request for reconsideration is based on the contention that Student filed a sufficient complaint. Student fails to acknowledge that several claims were determined to be insufficient because the complaint contains numerous general claims that the District denied Student a free appropriate public education followed by a lengthy narrative. For the District to prepare for a resolution session, mediation, and hearing, the District would be required to guess which facts in the long narrative relate to each particular claim. A responding party is entitled to know the basis of the claim. Thus, Student alleges no new facts, circumstances, or law in support of the request reconsideration.

Therefore, Student request for reconsideration is denied. Student's amended complaint shall be filed not later than seven days from the date of this order

Dated: May 20, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings