

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010070245

ORDER DENYING MOTION TO  
RECONSIDER SCHEDULING ORDER

On October 6, 2010, Student filed a Motion to Amend the Due Process Hearing Request. No opposition was received from District. On October 19, 2010, the Office of Administrative Hearings granted the motion to amend and, pursuant to law, all dates were vacated and a new scheduling order was issued.

APPLICABLE LAW

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).)

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

Student now complains that he is entitled to keep the same hearing dates as previously agreed during a mediation. An amended complaint restarts the timelines for all purposes.

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

District is entitled to be placed on notice of all the allegations contained in a complaint and absent mutual written waiver, District must hold a resolution session. Student's remedy is to contact District can request a continuance and agree on dates previously agreed or failing agreement, submit a unilaterally request for continuance, after meeting and conferring with District, and seek a continuance to those dates as referenced.

ORDER

Student's request to reconsider the scheduling order is denied.

Dated: October 25, 2010

/s/

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ANN F. MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings