

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

YUCAIPA-CALIMESA JOINT UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2015080292

ORDER DENYING STUDENT'S
REQUEST FOR RECONSIDERATION
AND GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On August 3, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming the Yucaipa-Calimesa Joint Unified School District. On December 4, 2015, the prehearing conference was held. On December 7, 2015, the Order following prehearing conference was issued.

On December 7, 2015, Student filed a motion for reconsideration regarding the manner in which the December 7, 2015 Order had framed Student's issues. Student's December 7, 2015 motion sought reconsideration, or in the alternative, permission to amend the complaint. On December 10, 2015, Student filed a second motion to amend the complaint. District filed an opposition on December 11, 2015.

APPLICABLE LAW

Reconsideration

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.)

Amendment

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).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

DISCUSSION AND ORDER

Student's motion for reconsideration states no new or different facts, circumstances, or law justifying reconsideration. Accordingly, Student's request for reconsideration is denied.

Student's December 7, 2015 motion for leave to amend is timely and is granted. Student's amended complaint¹ shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: December 11, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings

¹ The Amended Complaint was filed on December 10, 2015 with Student's second motion to amend. District's argument that the motion to amend is untimely is rejected, as the motion was initially made on December 7, 2015.