BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013080810
v.	ORDER DENYING REQUEST FOR RECONSIDERATION AND EXTENDING TIME TO FILE AN AMENDED COMPLAINT
DAVIS JOINT UNIFIED SCHOOL DISTRICT.	

On August 22, 2013, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (complaint) naming the Davis Joint Unified School District (District) as respondent. On September 6, 2013, the District filed a Notice of Insufficiency.

On September 9, 2013, the Office of Administrative Hearings (OAH), by Administrative Law Judge Susan Ruff, issued an order finding that Student's complaint was insufficient and giving him 14 days to file an amended complaint (September 9, 2013 Order).

On September 19, 2013, Student filed a pleading entitled "Response to Order of Insufficiency, Amended Complaint." In this pleading, Student argues that the complaint was sufficient and combines this contention with a statement of facts. At the end of the pleading, Student lists information regarding Student and his parents. Since the pleading is a response to the September 9, 2013 Order and appears to be requesting a reconsideration of that order, the pleading shall be deemed a motion for reconsideration.

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

Student merely restates the allegations in the complaint, and he alleges no new facts, circumstances, or law in support of the request reconsideration. Accordingly, Student's request for reconsideration is denied.

The complaint was found insufficient as it failed to provide the District with a description of the problem and the facts relating to the problem including a statement of actions, and the time period during when these actions occurred, by the District which denied Student a free appropriate public education. The complaint also failed to include a request for a remedy.

If Student desires to file an amended complaint, he should restate the Student and Parent Information portion. He then should state the specific problem(s) (or issue or issues) (i.e., the District failed to provide Student a free appropriate public education [FAPE] because of listed reasons) followed by a statement of facts to support his claim (i.e., how the District failed to provide a FAPE to Student). The Student must state the remedy or resolution he seeks (i.e., reimbursement for placement and collateral services provided by Island View.)

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: A parent who is not represented by an attorney may request that the Office of Administrative Hearings (OAH) provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint.[1] Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Student's motion for reconsideration of the September 9, 2013 Determination of Sufficiency of Due process Complaint is DENIED.

2. Student shall be permitted an extension to September 30, 2013 to file an amended complaint under Title 20 United States Code section 1415(c)(2)(E)(i)(II).[2]

3. The amended complaint shall comply with the requirements of Title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file a timely amended complaint, the complaint will be dismissed.

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1 Ed. Code, § 56505.

2 The filing of an amended complaint will restart the applicable timelines for a due process hearing.

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IT IS SO ORDERED.

Dated: September 20, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings