BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017081269 ORDER DENYING REQUEST FOR RECONSIDERATION

On November 16, 2017, the undersigned administrative law judge issued an order that denied without prejudice Student's motion to amend the complaint. On November 17, 2017, Student filed a request for reconsideration. On November 17, 2017, District stated during the prehearing conference that it did not oppose the motion to amend or request 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

Reconsideration

Student alleges no new facts, circumstances, or law in support of the request for reconsideration. Student argues the motion to amend must be granted because it was timely and District does not oppose it. Although Student is correct in that the motion to amend was timely and District did not oppose the motion, neither of these are new facts. The reason why Student's motion to amend was denied was due to the fact that nothing new was alleged in the amended complaint and Student fails to demonstrate that there were new facts or issues in the amended complaint versus just rearranging the allegations.

Accordingly, Student's request for reconsideration is denied.

ORDER

1) Student's request for reconsideration is denied.

DATE: November 20, 2017

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings