BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018070284 ORDER DENYING REQUEST FOR RECONSIDERATION; ORDER GRANTING MOTION TO AMEND COMPLAINT

On October 29, 2018, the undersigned administrative law judge issued an order following the October 29, 2018 prehearing conference, setting forth the issues for hearing. Specifically, Saddleback Valley objected to and the ALJ denied Student's request to include an issue for hearing that Saddleback Valley denied Student a free appropriate public education by failing to timely request a due process hearing, as that issue was not clearly pled in Student's complaint. On October 30, 2018, Student filed a request for reconsideration.

On October 30, 2018, Student filed a motion to amend her complaint in the event OAH denied her request for reconsideration. No opposition was filed by Saddleback Valley as to the request for reconsideration or motion to amend.

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.)

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

Reconsideration

Student alleges no new facts, circumstances, or law in support of the request for reconsideration. Accordingly, Student's request for reconsideration is denied.

Motion to Amend

The motion to amend is timely and is granted. The amended complaint 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: November 5, 2018

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Rommel P. Cruz
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ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings