

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2015040979

ORDER DENYING REQUEST FOR
RECONSIDERATION

On May 4, 2015, the undersigned administrative law judge issued an order denying the parties' joint motion to vacate the expedited hearing dates set in this matter. On May 7, 2015, Student filed a request for reconsideration. As discussed below, reconsideration is denied.

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 AND ORDER

Student alleges no new facts, circumstances, or law in support of the request reconsideration.

Student's complaint alleged a disagreement with a decision by a District regarding a change in educational placement, based upon a violation of a code of student conduct, and a disagreement with District's failure to hold a manifestation determination. As such, the allegations are subject to an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) So long as the complaint states a disagreement as to a change in placement and the failure to hold a manifestation determination, it is subject to an expedited timeframe.

Student argues that no relief is sought under the operative provisions of the IDEA. (20 U.S.C. § 1415(k).) However, the allegations, rather than the requested remedies, determine whether a case is expedited. If Student wishes to file a withdrawal of all expedited issues

raised by the complaint, he may do so, or he may amend his complaint to remove all allegations that would fall under section 1415(k).

Accordingly, the request for reconsideration is denied.

IT IS SO ORDERED.

DATE: May 08, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings