

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KENTFIELD SCHOOL DISTRICT.

OAH Case No. 2015070101

ORDER DENYING REQUEST FOR
RECONSIDERATION AND NOTICE
OF NO ACTION REGARDING
NOTICE OF INTENT TO FILE
AMENDED COMPLAINT

On November 2, 2015, the undersigned Presiding Administrative Law Judge issued an order denying the parties third request for a continuance in this matter. On November 10, 2015, Student filed 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 AND ORDER

Reconsideration

Student alleges no new facts, circumstances, or law in support of the request for reconsideration. Student's motion does not discuss the standard for reconsideration nor give any legal support for reconsideration in this matter. Student originally filed his claim on June 19, 2015. This claim contains several issues and remedies which include at least part of the 2015-2016 school year. However, these claims only relate to individualized education programs and alleged procedural violations which took place on or before the initial complaint was filed. Student now wants to continue this matter for the third time in order to wait for another IEP team meeting to conclude and then, possibly, add claims which arise from that meeting and other alleged procedural violations by Kentfield School District which have arisen since the initial claim was filed. This was the same argument raised in the initial

third request for continuance which was denied. As noted in the initial denial, while OAH may find this reason for continuance good cause when a case is newly filed, this is not so when the case has been filed six months prior to the scheduled hearing date. The nature of special education litigation is that there often are ongoing issues between the parties and the fact that new issues may arise after an IEP team meeting which is not scheduled to conclude until November 20, 2015, does not provide good cause for a third continuance at this time. The motion to reconsider is denied.

Notice of Intent to File Amended Complaint

No action is taken regarding Student's Notice of Intent to File Amended Complaint. Neither a motion to amend nor an amended complaint has been filed with OAH. Student's motion indicates the possibility that a motion to amend may be filed after an IEP team meeting concludes on November 20, 2015. No action is taken on this notice as no amended complaint has been filed or served.

IT IS SO ORDERED.

DATE: November 10, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings