

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

OLD ADOBE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080275

ORDER GRANTING REQUEST FOR RECONSIDERATION
AND REAFFIRMING ORDER GRANTING MOTION TO
AMEND

OCTOBER 16, 2024

On August 7, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Old Adobe Union School District, referred to as Old Adobe. The Office of Administrative Hearings is referred to as OAH. On October 8, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint.

On October 10, 2024, the undersigned Administrative Law Judge issued an order granting the motion to amend and stating that “No opposition was received from Old Adobe.”

On October 10, 2024, Old Adobe filed an opposition to the motion to amend. On October 16, 2024, Old Adobe filed a Motion for Reconsideration, asking that its opposition be reviewed, and the October 10, 2024, order granting the motion to amend be reconsidered in light of that opposition.

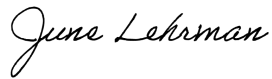
OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within 10 days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking 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.)

The motion for reconsideration is granted such that Old Adobe’s opposition to the motion to amend shall be considered.

Old Adobe’s opposition argued that Student’s motion to amend seeks to add an issue that post-dates the original filing date of the complaint by two months. Old Adobe contends that Student should not be permitted to amend his complaint to include issues that “arise into perpetuity with every IEP amendment meeting that occurs following the filing of his original complaint.” Old Adobe further contends that allowing Student to continue adding each newly occurring concern to his original complaint negates the two-year statute of limitations and is prejudicial to the district in that it unnecessarily prolongs the matter without good cause.

On reconsideration, and in light of Old Adobe's opposition having now been considered, no changes are warranted to the October 10, 2024, order granting motion to amend, which is reaffirmed. This is the first amendment and does not unduly prolong the proceedings. Old Adobe has not established any prejudice. The motion to amend was timely. All dates set in this matter are confirmed.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "June Lehrman". The script is cursive and fluid, with the first name "June" and last name "Lehrman" clearly legible.

June Lehrman

Administrative Law Judge

Office of Administrative Hearings