BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018050914 ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION TO AMEND COMPLAINT WITHOUT PREJUDICE

On July 20, 2018, the undersigned administrative law judge issued an order denying Student's request to file an attachment to her original request for due process as opposed to a fully self-contained first amended complaint. On July 23, 2018, Student filed a request for clarification of the order. This is being treated as a motion for reconsideration on behalf of Student. No opposition was received.

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

In this case, Student has failed to supply new facts or law to support her motion. However, student points out a typographical error which shall be treated as adequate "circumstances" to review the order. A sentence in the order was not completed. Thus, the motion for reconsideration is granted.

Motion to Amend the Complaint

On reconsideration, while Student asserts a misunderstanding as to the requirements for an amended complaint, the requirements for an amended complaint are the same as for an original request for due process as stated in state and federal statutes. (20 U.S.C. §1415(c)(2)(E); Ed. Code 56502(e).) In the original order denying the motion to amend, it was determined that all elements required in a due process complaint were not included in the attachment to the complaint sought to be filed by Student. Although there was a sentence fragment in the order denying Student's motion to amend, it would have ended by saying that the amended complaint did not include all elements required in an original request for due process. A single, complete amended complaint is required. The purpose of this rule is to avoid the confusion that can result from the need to compare multiple documents to determine the claims being made.

ORDER

Based on reconsideration of the Student's Motion to Amend complaint, Student's motion is DENIED without prejudice.

IT IS SO ORDERED.

DATE: July 26, 2018

DocuSigned by:
Penelope Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings