BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013070150
v.	ORDER DENYING REQUEST FOR RECONSIDERATION
SAN JOSE UNIFIED SCHOOL DISTRICT.	

On June 28, 2013, Parents on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request[1] (complaint) naming the San Jose Unified School District (District).

On July 8, 2013, the District filed a Notice of Insufficiency (NOI) as to Student's complaint.

On July 9, 2013, the Office of Administrative Hearings (OAH) issued an order finding that Student's complaint was insufficiently pled as to issues one, two, five, six, seven, eight, nine, 10, 11, 13, 14, and 15, and giving Student 14 days to file an amended complaint. On July 12, 2013, Student filed a request 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

Student alleges no new facts, circumstances, or law in support of the request for reconsideration. Rather, Student bases his request for reconsideration solely on his belief

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

that OAH failed to review and consider Student's opposition to the District's NOI prior to issuing the July 9, 2013 order. Student fails to provide any authority supporting that a party's complaint for due process hearing may be insufficiently pled so long as it is supplemented by a later pleading.

Student's argument is not well taken. Student fails to understand that a party's complaint must meet the requirements set forth in Title 20 United States Code section 1415(b)(7)(A) on its face. A party's complaint will not be deemed sufficient when it fails to meet these requirements within the four corners of the complaint itself. Therefore, whether OAH considered Student's opposition to the District's NOI is not relevant to OAH's July 9, 2013 Order of Determination of Sufficiency of Due Process Complaint.

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: July 16, 2013

/s/
PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings