BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110441 ORDER DENYING REQUEST FOR RECONSIDERATION

On March 17, 2017, the undersigned administrative law judge issued an order that denied Student's March 15, 2017 motion to amend her November 2, 2016 complaint. On March 20, 2017, Student filed a request for reconsideration. On March 21, 2017, Capistrano Unified School District filed an opposition to the request.

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

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Student focuses on that the amended complaint includes four new issues for hearing. However, a review of those four issues demonstrate the 'new' issues are a parsing of the three issues alleged in the November 2, 2016 complaint regarding District's purported failure to comply with its Child Find Duties and make an offer of a free and appropriate public education during the 2014-2015 and 2015-2016 school years, and whether District's June 30, 2016 individualized educational program provided Student with a FAPE. Further, as Student's 'new' issues all pertain to the 2014-2015 and 2015-2016 school years, Student fails to demonstrate why those 'new' issues were not included in the original complaint or

the delay in amending in the November 2, 2016 complaint until the eve of hearing, which is scheduled to begin on March 28, 2017.

Accordingly, Student's request for reconsideration is denied.

ORDER

Motion for Reconsideration is denied.

DATE: March 21, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings