BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020817

ORDER DENYING REQUEST FOR RECONSIDERATION

JULY 9, 2024

On July 3, 2024, the undersigned Administrative Law Judge issued an Order Granting Student's Motion to Amend Complaint. As a result of granting Student's motion to amend, the Office of Administrative Hearings, called OAH, reset the applicable timelines and issued a new Scheduling Order. On July 8, 2024, Student filed a motion to reconsider the dates in the Order Granting Student's Motion to Amend. Los Angeles Unified School District did not respond to Student's motion.

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 ten 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.)

Student's motion was timely filed, however, offers no new facts, circumstances, or law, to support reconsideration. Student's motion to amend included a request to maintain the dates Student and Los Angeles Unified requested in their joint request for a continuance that OAH granted on March 26, 2024. Specifically, a prehearing conference on July 12, 2024, and a due process hearing starting on July 23, 2024.

The dates OAH previously granted do not allow sufficient time for the mandatory 30-day resolution session. The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).) This includes time for the resolution session. (20 U.S.C. § 1415(f)(1)(B).) Student's argument that Los Angeles Unified did not object to Student's motion to amend is not persuasive. Los Angeles Unified did not respond to Student's motion to amend. A lack of response is not the same as agreeing to waive the resolution session.

Student has not established the July 3, 2024, Order Granting Student's Motion to Amend Complaint should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings