

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CAPISTRANO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011030051

ORDER DENYING REQUEST FOR
RECONSIDERATION

On March 16, 2011, the undersigned administrative law judge issued an order denying Student's motion to dismiss. On March 17, 2011, Student filed a motion for reconsideration. On March 22, 2010, District filed an opposition to the motion.

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

In her motion, Student's parent filed a sworn declaration that she never received the USPS' notice of attempted delivery, and just received the complaint on March 17. These newly alleged facts do not dispute that District served the complaint by certified mail on March 1, and that the USPS attempted to deliver it to the parents the next day. District met its statutory requirements pursuant to Education Code section 56502, subdivisions (c)(1) and title 5, California Code of Regulations, section 3083, subdivisions (a) and (b). Accordingly, Student's Motion for Reconsideration is Denied.

IT IS SO ORDERED.

Dated: March 27, 2011

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings