

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EASTSIDE UNION SCHOOL DISTRICT
(LANCASTER).

OAH CASE NO. 2012050086

ORDER DENYING REQUEST FOR
RECONSIDERATION

Administrative Law Judge (ALJ) Marian H. Tully, from the Office of Administrative Hearings (OAH), State of California, heard this matter on July 31, and August 1, 2012, in Lancaster, California. The record was closed and the matter was submitted on August 10, 2012. A decision was issued on September 4, 2012.

On September 4, 2012, OAH received a letter from Student requesting an order finding that Eastside Unified School District (District) violated title 20 United States Code section 1415(c)(2)(B) and 34 Code of Federal Regulations part 300.508(f) by failing to provide a written response to Student's complaint within ten days.¹ The same request was made before the hearing by letter dated July 30, 2012. The ALJ heard argument and denied the request on the record at the outset of the hearing on July 31, 2012. The ALJ found that there was no legal basis by which to compel District to file a written response to Student's complaint, the issue presented for hearing was clear in the Pre-Hearing Conference Order, and that a written response would not clarify issues or assist the parties in any way and would cause undue delay in the proceedings. Student's father, representing Student, stated he was ready and able to proceed with the hearing. Student's letter of September 4, 2012, is essentially a motion for reconsideration.

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.) Here, reconsideration is not necessary. The motion was ruled upon on the record, a hearing was completed, a decision has been published, and matter is now closed.

¹ The letter was addressed to OAH and District, however, there was no proof of service from which it can be determined that District was served.

Accordingly, Student's request for reconsideration is denied and no further action will be taken. The matter remains closed.

IT IS SO ORDERED.

Dated: September 14, 2012

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings