

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

UPLAND UNIFIED SCHOOL DISTRICT
AND SAN BERNARDINO COUNTY
SUPERINTENDENT OF SCHOOLS,

OAH CASE NO. 2012070420

ORDER DENYING REQUEST FOR
RECONSIDERATION

On July 31, 2012, the undersigned Administrative Law Judge (ALJ) issued an order finding that all claims based on alleged violations that occurred more than two year are barred by the two-year statute of limitations. On August 14, 2012, Parent on behalf of Student (Student) filed motion for reconsideration of the July 31, 2012 order as it relates to the statute of limitations.

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. Further, the motion was not accompanied by a sworn declaration showing facts or circumstances different from those evaluated by, and relied upon by the ALJ before issuing the July 31, 2012 order that is sought to be reconsidered.¹

¹ Student's contention that the statute is tolled due to misrepresentations by District in 2007 and 2008, regarding who is responsible for conducting Student's assessment is not

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: August 23, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

persuasive, as Student has been in a dispute over assessment with District (OAH Case Number 2007120214) since at least December 2007.