

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2013110171

ORDER DENYING REQUEST FOR
RECONSIDERATION

On March 20, 2014, the undersigned administrative law judge issued an order dismissing Student's case on the ground that the evidence presented in support of and in opposition to District's motion to dismiss established that Father did not have standing to bring the action on Student's behalf as the educational rights holder. The Office of Administrative Hearings (OAH) dismissed the matter on April 9, 2014. On April 21, 2014, Student's attorney filed a motion for reconsideration of the March 20, 2014 Order and the April 9, 2014 dismissal order. The motion was not supported by a declaration under penalty of perjury, but included unauthenticated exhibits. On April 24, 2014, 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

Student waited until thirty days after the OAH order granting dismissal was issued, and 10 days after the matter was dismissed to seek reconsideration of the March 20, 2014 Order. However, Student has not offered any new facts or law in support of his motion that supports reconsideration. On the contrary, Student's counsel contends that the same issue was addressed in previous case involving Student, and she offered the pleadings in that matter as exhibits to the instant motion for reconsideration, none of which were authenticated, and all of which consisted largely of hearsay and argument. Noticeably absent from this motion for reconsideration was any certified court order, or other authenticated

evidence, granting *educational rights* to Father which would have been in effect at the time the due process complaint was filed.

The motion is not timely because it was not filed within a reasonable time after issuance of the March 20, 2014 Order, and Student has offered no new facts or law that could not have been offered at the time Student opposed the motion. Moreover, nothing prevents Student from filing a new request for due process supported by appropriate allegations and evidence establishing who legally holds the educational rights for Student at the time the matter is filed.

Accordingly, the motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: April 25, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings