

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010120687

ORDER DENYING STUDENT'S
REQUEST FOR RECONSIDERATION

On December 28, 2010, the undersigned administrative law judge issued an order dismissing the West End SELPA (SELPA) from Student's complaint. On January 3, 2011, Student's attorney filed a Request for Reconsideration on behalf of Student. No response has been filed by either the SELPA or Chino Valley Unified School District.

APPLICABLE LAW

The Office of Administrative Hearings (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. (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 that the SELPA's motion has not been served on Student or his legal counsel at any time through the filing of his Request for Reconsideration. The record reflects, however, that the SELPA's Request for Dismissal is contained in the SELPA's Response to Student's Complaint and Motion to Dismiss filed with OAH on December 22, 2010. The SELPA's Response and Motion to Dismiss is accompanied by a Proof of Service indicating that the document was served on Student's attorney by faxination and by mail on December 22, 2010.

Student also makes a legal argument that the SELPA failed to file a Notice of Insufficiency in lieu of its Motion to Dismiss, which denies Student the opportunity to amend the complaint to address the issues pertaining to the SELPA. The SELPA however did not contend that Student's complaint was unclear or failed to provide sufficient factual

allegations to support its issues. Instead, the SELPA argued that issues themselves have no connection to the SELPA. Student has alleged no new information to suggest otherwise.

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: January 20, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings