

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011040670

ORDER DENYING MOTION FOR
RECONSIDERATION

On April 18, 2011, Student filed a Due Process Hearing Request (complaint) against the Saddleback Valley Unified School District (District). On April 27, 2011, the District filed a Notice of Insufficiency (NOI) as to Student's complaint. On April 28, 2011, the undersigned administrative law judge issued an order finding that Student's complaint was insufficient and giving Student 14 days to file an amended complaint. On April 29, 2011, Student filed a motion for reconsideration. On May 3, 2011, the 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 alleges no new facts, circumstances, or law in support of the request reconsideration, as the only new law Student cited is to a Superior Court order, which is not precedent. Additionally, in that matter, the student alleged additional violations by the school district in which that district's failure to produce the requested documents prevented the student from prosecuting at the administrative hearing. In this matter, all Student alleges is that the District failed to produce requested educational records, without alleging how the District's purported failure prevented Parents from meaningfully participating in Student's

educational decision making process, such as not having sufficient information to participate in an individualized educational program (IEP) team meeting or to determine whether the District is properly the IEP. If all Student requests is a copy of the educational records, Student may file a compliance complaint with the California Department of Education to force the District to produce requested records. (Cal. Code Regs., tit. 5, § 4600, et. seq.) Accordingly, Student's motion for reconsideration is Denied.

IT IS SO ORDERED.

Dated: May 6, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings