

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

MT. DIABLO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011061023

ORDER DENYING REQUEST FOR
RECONSIDERATION

On July 7, 2011, the undersigned Administrative Law Judge (ALJ) issued an order denying Student's motion to dismiss the Mount Diablo Unified School District's (District) Request for Due Process Hearing (complaint). On July 8, 2011, Student filed a motion for reconsideration. District did not file a response to Student's motion.

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

On July 7, 2011, the undersigned denied Student's motion to dismiss on the grounds that District had set forth an actionable and ripe claim alleging that the parties disputed Student's appropriate educational placement.

In his request for reconsideration, Student has alleged no new facts, circumstances, or law warranting reconsideration. Further, Student's motion was not accompanied by a sworn declaration establishing that a dispute did not exist between the parties over which OAH has jurisdiction. Thus, Student's contention that the matter is "not ripe for adjudication" is not supported by the motion for reconsideration.

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: July 19, 2011

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings