

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOLETA UNION SCHOOL DISTRICT.

OAH Case No. 2015090789

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On February 26, 2016, the undersigned administrative law judge issued an order granting Humboldt-Del Norte Special Education Local Plan Area's (Humboldt SELPA) motion to dismiss it as a party. On March 2, 2016, Student timely filed a motion for reconsideration. Humboldt SELPA filed on opposition to the motion for reconsideration on March 3, 2016. For the reasons discussed below, the motion for reconsideration is denied.

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 his request reconsideration. Instead, Student's motion cites as its basis an assertion that the undersigned ALJ "completely ignored" Education Code section 56530, an authority Student cited in his opposition to the motion to dismiss. Student also refers for the first time to OAH case number 2013080462 in support of his argument that OAH has found it has jurisdiction over a public entity under other factual circumstances. However, Student failed to explain why he did not include reference to that matter, which is not precedent OAH is required to follow, in his opposition to the original motion.

Student's motion for reconsideration offered no new or different facts, circumstances or law justifying reconsideration. Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: March 7, 2016

DocuSigned by:

*Adrienne L. Krikorian*

ADRIENNE L. KRIKORIAN

Administrative Law Judge

Office of Administrative Hearings