BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: STUDENT, v. ANAHEIM UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017090353 ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION REGARDING REPRESENTATION

On September 12, 2017, Student's Putative Father signed and filed a Request for Due Process Hearing on behalf of Student, asserting that he is authorized to file the complaint on behalf of Student. Student is over the age of 18. Documents in prior cases filed with the Office of Administrative Hearings involving Student have indicated that Student's Putative Father is not Student's biological or adoptive parent. Documentation has been submitted that Student's biological mother has power of attorney over Student. On October 27, 2017, the undersigned administrative law judge issued an order that held that Student's Putative Father was not authorized by law to represent Mother or Student and could not file motions or other briefs on behalf of Mother or Student, or represent Mother or Student in a due process hearing.

On October 31, 2017, Student, signed by both Student's Mother and Putative Father, filed a motion for reconsideration that contended that OAH's order violated Student's and his Putative Father's constitutional rights. Anaheim Union High School District did not file a response.

APPLICABLE LAW

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

Student's alleges no new facts, circumstances, or law in support of the request reconsideration that would warrant OAH setting aside its prior ruling. The cases and statutory citations cited by Student in the motion for reconsideration involve a child and the child's birth or adoptive parents. In this matter, Student's Putative Father is neither and therefore not subject to the protections afforded Student's Mother. Accordingly, Student did not establish grounds for OAH to reconsider its October 27, 2017 order that Mother is to represent Student in this matter through the power attorney that names her only.

ORDER

Student's Motion for Reconsideration is denied.

DATE: November 07, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings