BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. NEWPORT-MESA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017101143 ORDER DENYING REQUEST FOR RECONSIDERATION

On November 6, 2017, District filed a Partial Motion to Dismiss Student's Due Process Hearing Request. On November 9, 2017, District filed a Notice of Insufficiency. On November 13, 2017, Administrative Law Judge Paul Kamaroff issued an Order Denying District's Motion to Dismiss. Also on November 13, 2017, the undersigned administrative law judge issued an order determining Student's complaint sufficient.

On November 16, 2017, District filed a Motion for Reconsideration regarding the sufficiency of Student's complaint. On November 17, 2017, Student filed an opposition to District's Motion for Reconsideration.

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

District moves for reconsideration on the grounds that OAH "simultaneously issued two separate orders, by different ALJs, that are directly inconsistent with one another." District does not present any new or different facts, circumstances, or law justifying reconsideration. Instead, District simply asserts disagreement with the order determining Student's complaint sufficient and reiterates arguments made in its Motion to Dismiss.

In determining Student's complaint sufficient, the undersigned ALJ evaluated the complaint on its face. Based on that review, the complaint was deemed sufficient. The legal standards that apply to whether a complaint is sufficient and whether a complaint is subject to dismissal are different. District's disagreement with the order determining sufficiency does not constitute new or different facts, circumstances, or law justifying reconsideration.

Accordingly, District's Motion for Reconsideration is denied.

IT IS SO ORDERED.

DATE: November 20, 2017

DocuSigned by:
Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings