BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ELK GROVE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015080481 ORDER DENYING REQUEST FOR RECONSIDERATION

On September17, 2015, the undersigned Presiding Administrative Law Judge issued an order dismissing this matter finding that the only claim Elk Grove Unified School District made was a request to enforce a settlement agreement, a claim over which the Office of Administrative Hearings has no jurisdiction. On September 21, 2015, Elk Grove filed a motion for reconsideration based on a paragraph in the settlement agreement between the parties which states, in relevant part, "[i}n the event Parent does not make Student available for the assessments contemplated above, the District reserves the right to file a new due process filing relating to the assessment plan set forth herein." On September 23, 2015, Student filed an opposition to the 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 AND ORDER

Elk Grove alleges no new facts, circumstances, or law in support of the request reconsideration. The clause in the settlement agreement which purports to allow Elk Grove to file a complaint with the Office of Administrative Hearings should Parent not make Student available was indeed part of the settlement agreement which was provided as part of the motion to dismiss and was considered in the initial ruling. In the motion for reconsideration, Elk Grove provided no law which allows the parties to confer jurisdiction

upon OAH themselves and in contradiction to the Ninth Circuit's ruling in *Wyner v. Manhattan Beach Unified Sch. Dist.* ((9th Cir. 2000) 223 F.3d 1026, 1030.)

Accordingly, Elk Grove's request for reconsideration is Denied.

IT IS SO ORDERED.

DATE: September 25, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings