BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION SCHOOL DISTRICT, CALIFORNIA SCHOOL FOR THE DEAF AND CALIFORNIA DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2022050685

ORDER DENYING CAMPBELL UNION SCHOOL DISTRICT'S REQUEST FOR RECONSIDERATION

JULY 11, 2022

On June 27, 2022, the undersigned Administrative Law Judge issued an order denying Campbell Union School District's motion to dismiss. Campbell Union School District is referred to as Campbell. On July 7, 2022, Campbell filed a motion for reconsideration. The Office of Administrative Hearings did not receive a response from California School for the Deaf and California Department of Education or Student.

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, generally within ten days. (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

Campbell offers no new facts, circumstances, or law, to support reconsideration. Rather, Campbell reasserts California Department of Education and California School for the Deaf were responsible for providing Student a free appropriate education, called FAPE, during the relevant time period. Campbell argues it is not the responsible local educational agency since Student was enrolled at California School for the Deaf but cites no binding or persuasive authority for the proposition it was relieved of its obligation as the district of residence to offer Student a FAPE.

Further, Campbell misinterprets the June 27, 2022 Order in several key respects, including its contention the Order provides state educational agencies are not responsible for providing Students with a free appropriate public education and that the California School for the Deaf provides only direct services. (20 U.S.C. § 1412(b); Ed. Code, § 59002, subd. (b) [obligation of California Schools for the deaf to maintain a comprehensive elementary educational program, including related services, for deaf individuals].)

Campbell overlooks that Student's complaint alleges three issues and several sub-issues against Campbell, California Department of Education and California School for the Deaf. Each issue involves an alleged denial of FAPE to Student, and is supported by factual allegations, including allegations as to Campbell. Consequently, Campbell falls under OAH's jurisdiction and a question of fact exists that requires a finding by an Administrative Law Judge following a due process hearing. (Ed. Code, 56501, §§ subd. (a), 56500 and 56028.5.)

ORDER

Campbell has not established the June 27, 2022 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings