BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

UPLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020090375

ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION

JANUARY 8, 2021

On December 30, 2020, the undersigned Administrative Law Judge issued an order dismissing eight issues in Student's September 11, 2020 due process hearing request, also known as a complaint, as barred by the doctrine of collateral estoppel. The Office of Administrative Hearings is referred to as OAH. The Administrative Law Judge is referred to as ALJ.

On January 7, 2021, Student filed a request for reconsideration of the order dismissing issues barred by the doctrine of collateral estoppel. Student did not request reconsideration of any other orders in the December 30, 2020 Order. OAH did not receive a response from Upland Unified.

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

Student's request for reconsideration offers no new facts, circumstances or law to support reconsideration. The request for reconsideration makes the same assertion that the issues raised in the September 11, 2020 complaint were new issues not litigated by Student and Upland Unified in the prior due process hearing and not decided in OAH's November 24, 2020 Decision involving the consolidated matters in OAH case numbers 2019080541, 2020040245, and 2020010465. The ALJ rejected that assertion, finding that the eight issues raised in the September 11, 2020 complaint were litigated by the parties and decided by OAH in the prior due process hearing and were therefore, barred by the doctrine of collateral estoppel. The November 24, 2020 Decision was a final administrative decision. Accordingly, the request for reconsideration is denied.

ORDER

Student has not established the December 30, 2020 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings