BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GREENFIELD UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019100729

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING STUDENT'S MOTION TO DISMISS

On December 4, 2019, the undersigned Administrative Law Judge issued an Order Denying Student's Motion for Continuance, which was based on Student's November 25, 2019 "Continuance Motion 'Repudiate' 'Concealment' 'Set-Off'." (*Sic.*) The body of Student's motion also called it a "Continuous Motion on grounds of 'REPUDIATE' unto 'CONCEALMENT' from District Action, (Plaintiff) 'Laches' 'Unilateral Decisions' 'SET - OFF'." (*Sic.*). The body of Student's motion further stated, "This Continuous Motion is upon (OAH) and (GFUSD), as to request 'Set – Off' case 'Without Due Process complaint,' on merit District is knowledgeable of reasons of the case." (*Sic.*) The content of the motion was very difficult to understand but seemed to be a list of reasons Student thought Greenfield Union School District should not win the case. It did not propose different dates for the due process hearing.

On December11, 2019, Student filed by United States Postal Service with the Office of Administrative Hearings, called OAH, a "[Continuous Motion: Reconsideration (ALJ) Misinterpretation]." (*Sic.*) Student's motion requested "reconsideration on basis of misinterpreted premise of Continuous Motion: Witness Due Process and Continuous Motion: [Repudiate, Concealment, Setoff]." (*Sic.*)

OAH did not receive a response from Greenfield Union School District and Student did not provide proof that Parent served the motion for reconsideration on Greenfield or its attorney.

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

RECONSIDERATION

Student's original filing was titled "Continuance Motion" and OAH treated it as such. Student's motion for reconsideration clarified that Student's motion filed on November 25, 2019 was a "request for 'Setoff' meaning grounds to 'Withdrawal Case' and interpretation 'Without Due Process Complaint' quote, 'Nor ''Nor description of accusation pursuant unto Due Process Students Rights' by (Plaintiff) currently." (*Sic.*)

Student's motion for reconsideration additionally states, "(Defendant) has no intention to change Hearing Dates Granted at (PHC) by (ALJ) Kara Hatfield on [November 4, 2019] as recorded. Request Reconsideration by (ALJ) at this time." (*Sic.*)

Based on Student's clarification of the intention of his November 25, 2019 "Continuance Motion," OAH grants reconsideration of the motion and deems it to be a motion to dismiss Greenfield Union School District's complaint.

MOTION TO DISMISS

On reconsideration, there are many bases upon which a respondent may move to dismiss a petitioner's complaint. Student failed to state any reason, either in the November 25, 2019 "Continuance Motion" or in the December 11, 2019 "[Continuous Motion: Reconsideration (ALJ) Misinterpretation]" why Greenfield's complaint should be dismissed without a due process hearing on the merits of the case.

ORDER

1. Student's motion for reconsideration is granted.
2. Student's motion to dismiss is denied.
3. All dates set in this matter are confirmed.

IT IS SO ORDERED.

DATED: December 13, 2019

DocuSigned by:
Kara Hatfield
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Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings