BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANAHEIM UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017090353 ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION

On October 9, 2017, the undersigned administrative law judge issued an order vacating dates and extending the timeline in this matter, denying Parents' request to amend the complaint on behalf of Student, and ordering Parents to provide District with proof that they possess educational rights for Student, who is an adult.

On October 16, 2017, Parents on behalf of Student filed a request 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

Parents on behalf of Student allege no new facts, circumstances or law in support of reconsideration.

Instead, Parents attempt to argue the merits of the claim brought on behalf of their son, and object to the Order on several asserted legal grounds.

Parents argue that OAH cannot interfere with the relationship between parents and their children. However, Student is over 18 years of age, and is no longer Parents' child.

Parents argue that District has seen a Power of Attorney executed by Student, and does not need to see it again. Student, who is incapacitated by severe autism, allegedly designated his mother to make all decisions on Student's behalf. The existence of such a document raises the issue of whether Student has the capacity to freely and knowingly make a delegation of authority without court supervision and approval, but does not warrant reconsideration of the order to produce proof of who holds Student's educational rights.

Lastly, Student makes the novel argument that OAH lacks jurisdiction to hear the matter filed by Parents, and accordingly, to dismiss the action if Parents do not comply with the Order. If Parents contend that OAH lacks jurisdiction, they may withdraw the request for due process hearing that they filed with this agency.

To the extent Parents on behalf of Student contend that the undersigned ALJ misapplied the law, that is not a basis for reconsideration, but for seeking review, if and to the extent available.

For the reasons stated above, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: October 16, 2017

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings