BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LAKE TAHOE UNIFIED SCHOOL DISTRICT AND

TAHOE ALPINE SELPA.

OAH CASE NUMBER 2020120488

ORDER DENYING REQUEST FOR RECONSIDERATION

JANUARY 25, 2021

On January 8, 2021, the undersigned Administrative Law Judge issued an order denying Tahoe Alpine SELPA's request to be dismissed as a party. On January 20, 2021, Tahoe Alpine SELPA filed a motion for reconsideration, contained in Lake Tahoe Unified School District and Tahoe Alpine SELPA's Prehearing Conference Statement. The Office of Administrative Hearings, called OAH, did not receive a response from Parent on behalf of 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

Tahoe Alpine SELPA offers no new facts, circumstances or law, to support reconsideration. Rather, Tahoe Alpine SELPA reasserts that it did not make any educational decisions regarding Student's school program and that Lake Tahoe Unified School District was responsible for providing Student a free appropriate public education, called FAPE. Tahoe Alpine SELPA overlooks that Student's complaint alleged that Lake Tahoe Unified School District and Tahoe Alpine SELPA each denied Student a FAPE. Consequently, Tahoe Alpine SELPA 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

Tahoe Alpine SELPA has not established the January 8, 2021 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Paul H. Kamoroff
Paul H. Kamoroff (Jan 25, 2021 16:12 PST)

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings