BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: ANAHEIM CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017010041 ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION

On March 7, 2017, March 13, 2017, March 24, 2017, and April 4, 2017, the Office of Administrative Hearings issued orders in this matter that denied Student's request that OAH dismiss Anaheim City School District's hearing request to assess Student over parental objection as to OAH's jurisdiction to hearing District's complaint. On April 20, 2017, Student filed a motion to dismiss District's complaint due to lack of jurisdiction, which OAH is treating as a request for reconsideration. On April 21, 2017, District filed an opposition to the request.

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. (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 alleges no new facts, circumstances, or law in support of the request reconsideration, as Student simply raises again in new packaging the same or similar arguments previously made that OAH does not have jurisdiction to hear District's complaint due to various civil rights and disability protection statutes, and Parent's purported consent to District's proposed assessment. For the reasons stated in the four prior orders, Student's request for reconsideration is denied.

ORDER

Student's Motion for Reconsideration is denied. Matter shall proceed to hearing as scheduled on April 25, 2017.

DATE: April 21, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings