BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040942

ORDER DENYING REQUEST FOR RECONSIDERATION OF THE JUNE 1, 2021 ORDER

JUNE 15, 2021

On June 1, 2021, the undersigned Administrative Law Judge issued an order granting Santa Monica-Malibu Unified School District's motion to dismiss in part Student's claims that did not involve violations of the Individuals with Disabilities Education Act, referred to as the IDEA. In addition, Student's requested remedy for compensatory damages was stricken in the June 1, 2021 Order, as the Office of Administrative Hearings, called OAH, does not have authority to grant compensatory damages.

On June 4, 2021, Parent on behalf of Student filed a request to vacate the June 1, 2021 Order. The request to vacate the order is treated as a motion for reconsideration.

Student contends due to Parent's health, Parent did not have an opportunity to respond to Santa Monica-Malibu Unified's motion to dismiss certain claims and to strike Student's request for compensatory damages. Student seeks an opportunity to respond to the motion to dismiss before OAH rules on the motion. OAH did not receive a response from Santa Monica-Malibu Unified as to the motion 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, 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 offers no new facts, circumstances, or law to support reconsideration of the June 1, 2021 Order dismissing Student's non-IDEA claims and striking Student's requested remedy for compensatory damages. OAH does not have jurisdiction to resolve claims that involve negligence, fraud, and intentional harm, or any other tort claim. Furthermore, OAH has no authority to grant compensatory damages. A due process hearing request with OAH is not the appropriate forum to address Student's tort claims or any other non-IDEA claims, or request for compensatory damages. Accordingly, Student's request to vacate the June 1, 2021 Order is denied.

ORDER

Student has not established the June 1, 2021 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