BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020061034

ORDER DENYING FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT'S REQUEST FOR RECONSIDERATION

SEPTEMBER 22, 2020

On September 17, 2020, the undersigned Administrative Law Judge issued an order denying Folsom-Cordova Unified School District's Motion to Dismiss or Alternatively Motion for Reconsideration. On September 18, 2020, Folsom-Cordova filed a Motion for Reconsideration. The Office of Administrative Hearings did not receive a response from Student.

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

Folsom-Cordova argues the facts are undisputed that at the time of Student's January 2019 records request Student was enrolled in another school district and therefore it did not owe Student a free appropriate public education. Folsom-Cordova asserts Student acknowledges in his opposition to the motion to dismiss that he was enrolled at another school district at the time of his January 2019 records request. Folsom-Cordova further asserts OAH lacks jurisdiction over Parental requests for student records.

The issues before OAH as clarified in the September 18, 2020 Order Following Prehearing Conference for Hearing by Videoconference are as follows:

1. Did Folsom-Cordova deny Student a free appropriate public education by releasing information to another school district in response to Parent's January 2019 request that exceeded the scope of Parent's consent to disclose?
2. Did Folsom Cordova fail to provide Parent with a complete copy of Student's records in response to Parent's January 2019 records request, and did that failure interfere with Parent's ability to obtain an individualized education program for Student?

These issues relate to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) OAH has jurisdiction to adjudicate these issues. (*Wyner v. Manhattan Beach Unified Sch. Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029).

ORDER

Folsom-Cordova has not established the September 17, 2020 Order should be reconsidered as it has not added any additional factual or legal support to warrant reconsideration. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

DocuSigned by:
Jennifer Kelly
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Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings