BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: STUDENT, v. LIBERTY UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017090367 ORDER DENYING REQUEST FOR RECONSIDERATION

On October 6, 2017, the undersigned administrative law judge issued an order denying Liberty's motion to dismiss claims in Student's request for due process hearing that predate September 11, 2015. On October 11, 2016, Liberty filed a motion for reconsideration. On October 16, 2017, Student filed a brief and a declaration in opposition to the motion for reconsideration. On October 17, 2017, Student filed an amended declaration in support of her opposition to Liberty's motion.

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

Reconsideration

Liberty alleges no new facts, circumstances, or law in support of the request reconsideration. Instead, Liberty argues that the October 6, 2017 order does not follow the "pattern and practice" of OAH. Liberty also argues that the motion should be granted because a notice of insufficiency does not allow for the issues to be determined dispositively.

OAH cases are not precedent. Furthermore, there is no provision for a summary judgment procedure in either state or federal special education law. As stated in the prior order,

OAH considers all claims within its jurisdiction. These claims are within the jurisdiction of OAH. Student shall have the burden of proving entitlement to raise claims prior to September 11, 2015, at hearing, at which time Liberty shall have the opportunity to challenge any evidence presented.

Accordingly, Liberty's request for reconsideration is DENIED. The case shall proceed on the previously scheduled dates.

IT IS SO ORDERED.

DATE: October 18, 2017

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings